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City and County of San Francisco
Entertainment Commission

January 04, 2005

Notice and Agenda for Meeting

Tuesday, January 4, 2004 at 5:00 P.M.

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Room 406, City Hall

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of Regular Entertainment Commission meeting of December 21, 2004. [Action Item]

2. President's Report.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. [Action Item]

- a)Bell, Shelley, dba "Bayview Opera House," 4710 3rd Street, Place of Entertainment.

- b)Murray, Spencer, & Hadan, Amy, dba "Argus Lounge," 3187 Mission Street, Place of Entertainment.

- c)Lawson, Gabriel, dba "Blupointe," 239 Kearny St., Place of Entertainment.

- d)Kaplan, Maria, dba "Lucita's Bar," 5163 Mission St., Billiard Parlor.

- e)Maria Kaplan, dba "El Amigo Bar, 3355 Mission St., Billiard Parlor.

4. Commissioner Comments and Questions.

5. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- Status of pending legislation
- Status of MOU
- Report on New Year's activities

9. Discussion of agenda items for future Entertainment Commission Meetings. [Action Item]

10. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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Sunshine Ordinance Task Force

Donna Hall, Administrator

City Hall, Room 409

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San Francisco, CA 94102-4689

Office: (415) 554-7724

(Fax): (415) 554-7854

(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

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City and County of San Francisco
Entertainment Commission

January 04, 2005

MINUTES OF THE

January 4, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Audrey Joseph, Chair

Jim Meko

Terrance Alan

Bruce Lorin

Joseph Pred

Jordan Shlain

Boman Leong

STAFF

Present

Robert Davis, Executive Dir.

Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:06 P.M.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Bruce Lorin, Bowman Leong, Audrey Joseph, Jordan Shlain and Joseph Pred.

Absent at the time of roll call were:

Commissioner Meko, Commissioner Pred

and Commissioner Shlain

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

No Public comment.

Review and approve minutes of Regular Entertainment Commission meeting of December 21, 2004.

Public Comment

No public comment.

Commissioner Leong moved to approve the minutes of December 21, 2004

Commissioner Lorin second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin,

Commissioner Alan, x & Commissioner Joseph & Commissioner Leong

NOES - None

ABSENT- Commissioner Meko and Commissioner Pred

PRESIDENTS REPORT

Chair Joseph stated they had some planning meetings for Halloween next year and learned from the past two years events. She added they might change fiscal sponsors to one that would be more active in the fund raising area and were considering moving the gates to the west side of Sanchez Street to close some holes and use the entire block between Sanchez and Church to serve as a holding pin.

Chair Joseph stated item 2 was withdrawn from the agenda.

Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

a) Bell, Shelley, dba "Bayview Opera House," 4710 3rd Street, Place of Entertainment.

Joseph Pred arrived at 5:12 P.M.

Bob Davis stated the Bay view Opera House came before the commission and continued it at the last meeting so staff could post. He added the application was submitted in April of 2002 because they did not have their planning approval there was no hearing. He added when staff received it they reposted because it had been a considerable amount of time lapse between the original posting and there have been no opposition from the community. He added staff recommended that the place of entertainment be issued.

Shelly Bell stated she was representing the Bayview Opera House as a member of the public and not as a Planning Commissioner

Commissioner Alan stated the nine month time limit had elapsed and what the legal grounds by which to move forward with the permit.

Bob Davis stated he checked with the city attorney there were two things. He added they were originally called forward for a hearing after it was noticed that they did not have planning and the police department agreed to continue it. He added the city attorney said the commission could bring it forward with another reposting.

Commissioner Lorin asked the nine-month expiration be discussed in Commissioner Comments.

Chair Joseph asked if Shelly wanted to change the days of operation to Monday through Sunday.

Shelly Bell stated yes it would be better.

Public Comment

Captain O'Neil stated the nine month rule did not apply because there was no planning and the police department typically did not give a conditional grant and it would be were the nine months came in. He added the police department sometimes went with abandonment if there was no acknowledgement of the notice but the applicant in this case kept the police department informed. He added the nine month only applied to a conditional grant.

Public comment closed.

Chair Joseph made a friendly amendment to change it from Monday to Sunday.

Commissioner Alan stated the Good Neighbor Policy is attached.

Commissioner Leong moved to approve the item with the friendly amendment to change it from Monday to Sunday and include the Good Neighbor Policy

Commissioner Lorin second the motion.

VOTE:

AYES - Commissioner Lorin,Commissioner Alan, Commissioner Pred & Commissioner Joseph, Commissioner Leong

NOES - None

Absent - Commissioner Meko. Commissioner Shlain

b) Murray, Spencer, & Hadan, Amy, dba "Argus Lounge," 3187 Mission Street, Place of Entertainment.

Commissioner Shlain arrived at 5:23 P.M.

Jocelyn stated the application was continued on September 21, 2004 based on the requirement of 312 notification by the planning commission and has been satisfied. She added the only thing that was outstanding was noise abatement.

Commissioner Alan stated the recommendation and inspection report by the police department indicated restrictions on the applicant's hours of entertainment. He

requested the applicant address the restrictions and if they were placed as part of the their ongoing discussion and negotiations with the police department. He added if the applicant was a ware of them and agreed with the restrictions. He added No. 1 the hours of operation should not exceed 6:00 P.M. to 12:00 A.M. Monday through Saturday and 4:00 P.M. to 11:00 P.M. on Sunday.

Mr. Murray stated they were familiar with the restrictions and wrote them as part of their application.

Commissioner Alan asked what type of entertainment they would have to fit the restrictive hours.

Mr. Murray stated they would DJ nights and acoustic music that would be happy hour and slightly happy hour type of stuff.

Chair Joseph stated if the application was approved today with the hours they requested they were stuck with the hours and if they wanted to change them they would have to return to the Commission and apply for an amendment if they wanted later hours on a Saturday.

Public comment

No public comment.

Commissioner Alan moved to conditionally grant the permit including all of the restrictions by Ingleside Station and including the Good Neighbor Policy adopted by the Entertainment Commission

Commissioner Leong second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin,

Commissioner Alan, Commissioner Pred & Commissioner Joseph & Commissioner Leong

NOES - None

ABSENT - at time of vote - Commissioner Meko

c) Lawson, Gabriel, dba "Bluepointe," 239 Kearny St., Place of Entertainment.

Bob Davis stated the application was submitted in 2004 and its primary purpose was to provide background music for diners. He added it was a full service restaurant. He added staff recommends granting the application.

Commissioner Leong asked how loud was the DJ background music.

Mr. Lawson stated he didn't know the decibels but it would be relatively low. He added there were no residents in the neighborhood.

Commissioner Alan stated if the applicant installed a sound system he should do a sound test avoid any possible violations.

Commissioner Shlain moved to approve the permit Commissioner Leong second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin,

Commissioner Alan, Commissioner Pred, Commissioner Joseph & Commissioner

Leong

NOES - None

Absent - Commissioner Meko

d) Kaplan, Maria, dba "Lucita's Bar," 5163 Mission St., Billiard Parlor.

e) Maria Kaplan, dba "El Amigo Bar, 3355 Mission St., Billiard Parlor.

Jocelyn Kane stated items D and E came in at the same time and is owned by the same entity. She added she had not heard anything from planning on either item until the end of the day. She added she received notice that a 312 notification was required for Amigo at 3355 Mission. She added that she spoke to the applicants and they were aware of the situation. She added staff recommended the items be continued.

Public Comment on items 3D & 3E

No public comment.

Commissioner Alan moved to continue item 3D and 3E Commissioner Shlain second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin,

Commissioner Alan, Commissioner Pred & Commissioner Joseph Commissioner Leong

NOES - None

ABSENT - Commissioner Meko

COMMISSIONER COMMENTS

AND QUESTIONS

Commissioner Shlain the commission was in its second year and the commission had the opportunity to do a lot and change San Francisco.

Commissioner Lorin stated the idea of the nine-month issue once a permit was conditionally granted under law the applicant had nine months to complete the process. He added its been past practice when the applicant showed cooperation and interest in continuing the process and it arrived at the nine-months the commission support small businesses and help them in any way the commission could rather than making the applicant go back to the process. He added the commissioners had to rely on staff when the applicants came to the nine-month point after a conditional grant that a letter is sent to the applicant notifying them of the process after eight months to give the applicant an opportunity to respond. He added if there was no response it should be considered abandoned or expired permit. He added he agreed with Commissioner Alan's comments to the applicant about restricted hours. He added sometimes the hours that came before the commissioner were cohorts and the commission needed to be careful not to allow it.

Chair Joseph stated the commission could pass in policy that the commission would grant additional time to people working on their projects that had exceeded the nine-month if they hadn't heard from planning or electrical. She added it should go to the Executive Committee.

Commissioner Lorin stated it should go to the Executive Committee. He added there was no law allowing the commission to continue it.

Jocelyn Kane stated when she got police recommendations for conditions she called the applicants to make sure they were aware of the conditions so there was an acknowledgement.

Commissioner Meko arrived at 5:34 P.M.

Commissioner Pred stated he worked on New Years Eve and the reports universally were that attendance was down. He asked if staff had any particular comments about New Years Eve. He inquired when the next Legislative Committee meeting would be held and wanted to add an item to the Legislative Committee agenda.

Commissioner Alan stated the commissioners needed to be advised of staff's conversations with the applicant regarding restrictions that appeared in the paper work. He added that in the presentation of staff recommendation let the commissioners know about prior phone calls made to the applicant. He requested to be notified on the Halloween and Legislative Committee Meetings. He added he was approached by various factions within the New York nightclub and entertainment scene to assist them in the creation of a Late Night Coalition in New York. He added

that he would keep the commission informed.

Chair Joseph stated attendance New Years Eve was low. She added some places did moderately well overall and the vibe in the city was low. She added it could have been because of rain. She added a lot of it had to do with the lack of exciting venues that brought in entertainment to stimulate the economy. She added as a commission they needed to encourage people to do exciting things in the town. She added as a commission they needed to encourage young people to do more exciting things to San Francisco. She read from an article from Live Sound Magazine called "Too Loud."

Commissioner Pred stated he agreed with Chair Joseph comments on New Years. He added he felt moved by people who chose not to celebrate because of the tremendous tragedy in Tsunami.

Chair Joseph stated she put out a call to producers and promoters in the city to put on an event in January to raise money for the Tsunami victims.

1. Report from Executive Director. (Bob Davis, Executive Director) Reporting on the status of:

- Status of pending legislation Castro legislation is coming up on Jan. 14, 2005 feedback on comments have been minimal. He has a meeting on January 18, 2005 with Supervisor Peskin to try to modify the street performers legislation.

- He stated he's working Planning Department to bring forth legislation had been positive. He added planning had an extensive backlog and as a result it had been difficult to get recommendations and opinions. He added a specific person with planning would work with the Entertainment Commission. He added planning had staffing issues.

- Fire watch complaint was there were too many people on the fire watch.

- Status of MOU was sent to the police chief and hope to have Mr. Anzore.

- Report on New Year's activities Barry Taranto with yellow cab stated business was down. Kelly's attendance was low which was expected. Fireworks were lightly attended. Bambuddha, Blue Cube did well. Out of town attendance was pretty quiet.

2. Discussion of agenda items for future Entertainment Commission Meetings.

None.

10. Adjournment. 6:13 P.M.

City and County of San Francisco
Entertainment Commission

January 18, 2005

Notice and Agenda for Meeting

Tuesday, January 18, 2005 at 5:00 P.M.

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1. Review and approve minutes of the Regular Entertainment Commission meeting of January 4, 2004. [Action Item]

2. President's Report.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. [Action Item]

Kaplan, Maria, dba "Lucita's Bar," 5163 Mission St., Billiard Parlor (continued from January 4, 2005).

Kaplan, Maria, dba "Lucita's Niteclub," 3247 Mission St., Place of Entertainment.

Caine, John, dba "Hi-Dive Restaurant," Pier 28 1/2, Place of Entertainment.

Bruce, Trelawny J. dba "The Pendulum," 4146 18th Street. Place of Entertainment.

4. Commissioner Comments and Questions.

5. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- MOU
- Permit Appeals Board Report
- Entertainment Commission - Office Space

9. Discussion of agenda items for future Entertainment Commission Meetings. [Action Item]

10. Adjournment.

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City and County of San Francisco
Entertainment Commission

January 18, 2005

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January 18, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

COMMISSIONERS

Present

Audrey Joseph, Chair

Terrance Alan

Bruce Lorin

Joseph Pred

Jordan Shlain

Boman Leong

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:08P.M.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Bruce Lorin, Bowman Leong, Audrey Joseph, Jordan Shlain and Joseph Pred.

Absent at the time of roll call were:

Commissioner Meko

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

Mark Rennie spoke on the issues of the planning department's recommendation for entertainment and after hour license. He added he had a copy of 1060.5 that stated

when the entertainment commission should grant a permit when an applicant met all health, fire and safety requirements. He added Exhibit B. was a verbatim transcript of the zoning administrator from the Board of Appeals on January 12, 2005 in the case of Hutchison verses the Entertainment Commission. He added that Mr. Badner felt that he makes the determination where an entertainment venue went and the planning code and zoning maps of San Francisco had no relevance according to the transcript. He added that he had the Regency zoning map, which stated it was in a R4 district, and R4 zoning area that was permitted use in the district. He added that if you went for a new ABC license they asked three questions, No. 10 did the zoning permit the intended use, No. 11 was a conditional use permit needed. No. 12 when was the conditional use permit filed. He added the entertainment should go through a process whereby the applicant signed a declaration under penalty of perjury what planner they talked to and if the underline zoning permits the use.

Bob Davis stated he met with Dean Mackris who verified he had the conversation with Commissioner Meko and also indicated all that planning could rule on was zoning and could not say they deny permits. He added they could ask to have a hearing if the zoning administrator determined conditional use.

Rick Galbreath stated he would defer his comments on the Pendulum since they withdrew their application.

Michael Goldstein the president of the Harvey Milk LGBT Democratic Club. He added he wanted to speak on alleged allegations of discrimination surrounding business within the Castro, which happened to be owned by Les Natalie. He added Mr. Natalie presently owned the Badlands, the Detour and Pendulum. He added over the past year a group named And Castro For All had discovered incidents of discrimination against of people of color and woman that has been brought before the Human Rights Commission. He added the allegations had been brought before the ABC, which were being determined if there was any validity behind the complaints. He added that he believed the complaints were valid. He added the Harvey Milk LGBT Democratic Club organization was behind the Entertainment Commission as an organizational group and making the commission happen. He added from the LGBT community in San Francisco and the broader bay area community it was important that they saw inclusiveness of all people in business in their community. He added if they allowed business to continue with practices of discrimination they would not only hurt the city and the general community. He added the commission should keep their concerns in mind should any permits come before the commission in the future.

Daniel Frattin with And Castro for All a 400-member group that grew in response to the allegations against Les Natalie. He added he was present to speak about the Pendulum license He added in addition to his letter he submitted to the commission they made an additional request that the commission considers revoking Mr. Natalie's permits for the Badlands and the Pendulum. He added the commission had authority to revoke them under the police code. He added there was over 21 signed complaints on file with the HRC that document an overwhelming and clear pattern of discrimination against African Americans and Latino's at Mr. Natalie's Bars. He added that Mr. Natalie was presently under investigation with the ABC he added there were complaints against him with the department of fair employment and housing.

He added it was the largest complaint that HRC had seen since the 1980's. He added former employees and patrons signed statements that documented Les Natalie ejected African Americans patrons from his business without cause and denying admission and requesting multiple forms of identification. He added there was an incident where a Latino patron named Luis Valdez came to Mr. Les Natalie's Bar with his white friend who was admitted without incident the doorman prevented him from entering and informed him he could not enter the bar and Mr. Valdez asked three times why he would not be admitted and the doorman said He could not come in. He added there were on-going violations and they agreed to stop filing new complaints to the HRC so they could finish their investigation. He urged the commission to imitate formal revocation proceedings on the basis of the complaints.

Chair Joseph stated the commission took the allegations against Mr. Natalie very serious. She added Police Code Sec. 3305 entitled business establishments stated he should call the Entertainment Commission office, office tomorrow to move forward with the process.

Calvin Gibson stated one year ago he introduced himself to Les Natal and offered him an invitation to meet with him as a leader in the African American community to discuss his reputation of being a racist against African Americans. He added he had been fielding complaints against African Americans for the past three years about treatment they had received Badlands Bar. He Mr. Natalie refused his invitation to meet and take his business card or speak about the matter. He added as and the former president of the San Francisco Lesbian, Gay, Bisexual, and Transgender Pride celebration community he believe in the promotion of queer business and providing provocative, creative and fulfilling entertainment for residents and visitors. He added that just as it is wrong for African Americans to be denied a meal at the lunch counters at Woolworth, just as it is wrong for African Americans to be forced to sit at the back of the bus and just as it is wrong for African Americans to enter the back door of a business it was equally wrong for Les Natalie to deny African Americans access to his business and be treated as a lesser race as if African Americans were not worthy of quality service. He added he was disappointed that Les Natalie was absent from the meeting but was not surprised.

Chair Joseph asked if Mr. Gibson tried writing Mr. Natalie a letter suggesting mediation.

Calvin Gibson stated at the time he did not sent a letter and Mr. Natalie contacted him once he went to the press in June. He added he became aware of Badlands Gad and Castro for All and became aware of them when they had their press conference that announced racism against Les Natalie. He added once that happened Mr. Natalie and him had several conversations. He added he was not willing to sit down with him and a group of African Americans to discuss how he could change his business practices so he would not be perceived as a racist.

Julius Chairman, a member of Black Rap and Castro for All. He added he was the

attorney for the claimants for the proceedings for the Human Rights Commission. He added during the Human rights commission process the idea of mediation with Mr. Natalie had been advanced 12 times and 12 different ways, Mr. Natalie first agreed to it then backed away from it. He added they did want notice when Mr. Natalie came back to the commission and they would participate in a process to ask the commission to revoke the license for the Detour, Badlands and the Pendulum should Mr. Natalie resubmit his application. He added that the commission should read the materials they presented very carefully. He added Ms. Gertrude East stated a white man in civilian clothing approached her while she was in of Mr. Natalie's establishment she was flashed a badge and was told to get out and misusing government authority. He added once she was outside her and her friend were told by Mr. Natalie made reference to her white friend that she could come in but 'that' was not welcomed here. He added the commission should understand that people who denied the right of all should be denied the privilege of business doing business in San Francisco.

Supervisor Bevan Dufty thanked the commission for the role the Entertainment Commission played. He added that Castro to the world was personified by inclusively and diversity but much worked remained to be done. He added the situation that has arisen with badlands had shined a bright light in an area where the LGBT community had work to do. He added he was appreciative that Mr. Natalie withdrew his application and it was the right thing to do. He added there had there been longstanding ongoing investigations by the State Alcohol Beverage Commission and the Human Rights Commission. He added he hoped as part of the acknowledgement in withdrawing his request that Mr. Natalie's and his new attorney would resume the process with the Human Rights commission to mediate the situation and thought it was an avenue that could be productive but in no way it would stop the complaints from being fully aired and investigated from sanctions taking place as determined to be appropriate. He added he thought it would be something to do to move the agenda forward and he thought it was very frustrating that the issues were being raised in a serious and significant manner with people that came forward that had been very credible and believable in what they represented. He added justice delayed began to feel like justice denied and particularly where the city had a venue and a means to mediate, which had been used by many different entities professional sports teams had used them to work through issues, businesses and very large players in San Francisco had used the Human Rights Commission. He added that the message today should communicate a message to work things out. He added that he was appreciated the people who advanced the issues who have helped their community recognize that much work remained and appreciated people being sensitive to the importance of the issues and how fundamental they were to people being San Franciscans and those issues did mattered and actions that made people feel unwelcomed or discriminated against and not able to enjoy their full rights as San Franciscans was unlawful. He added even if someone was a smart enough business manager and you figured out you would have more trouble and changed your ways the facts didn't changed that you had violated the law and even if they figured out that it would impede your ability to do business if they were actions you took you had to bare certain measure of responsibility.

Barry Taranto stated he hoped the LGBT community resolved their issues. He added the parties and the bars in the Castro area had definitely made the season less painful. He added the process had begun to put an official cabstand at 18th and Castro and hope the commission would support that it would happen sooner than later. He added there were major venues and events that did not allow taxicabs to drop off and pick up patrons particular at the end of events. He added he had some

heated disputes with security staff at the Fillmore. He added the Fillmore was a tough place because they did not have a wide enough opening. He urged the commission to help the taxicabs to cue up. He added they were there to provide a service.

Bob Davis stated he spoke to the operators and they said they would allow the taxis to cue up further down toward Steiner. He added the proximity of the bus stop and they did not control when their trucks would come and they did not want the taxis near Fillmore and Geary but wanted to try and work something out. He suggested Mr. Taranto they could possibly work out a compromise. He added there was very little bus traffic at that time of the night. He added that it was not right for them to still the whole curb space. He added he would like to work it out.

Commissioner Alan stated recognized the complexity of the problem however he also understood the jurisdiction may lie with a department other than with the Entertainment Commission staff and DPT and the using of white zone permits. He added staff should meet with DPT and discussed how the white-zone at the Fillmore might be characterized in such a way that would allow increased taxi parking during times of performances. He added performances and unloading of trucks should be compatible if they were talking about the trucks that were being used by the Fillmore for the loading and unloading of gear and should be coordinated with management and it would be in their best interest to step to the plate and work it out.

Daniel Kim a member Gay Asian Pacific Alliance. He added he did not go to bars or out to dance. He added he was present to express his solidarity with people of color and the woman who had been discriminated against in the Castro area. He added that he did go to non-alcoholic clubs in the Castro called Castro Country Club. He added recently he realized every time he went there people would look at him like why were you here. He added he realized the testimony that was given this evening was African Americans and Hispanics. He added if Mr. Natalie applied for a license and was granted permission again it would be a nail in the coffin in terms of justice in the Castro. He added Mr. Natalie had ruined his reputation by his own bias behavior and should not be allowed any more bars in the city.

Public comment closed.

Review and approve minutes of Regular Entertainment Commission meeting of January 18, 2005.

Public Comment

No public comment.

Commissioner Alan moved to approve the minutes of January 4, 2005 with the two corrections on page 2 and page 4

Commissioner Leong second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin, Commissioner Alan, Commissioner Pred & Commissioner Joseph & Commissioner Leong

NOES - None

ABSENT- Commissioner Meko

PRESIDENTS REPORT

Nothing to report.

Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

Chair Joseph stated they would item number 1 and 2 together.

Kaplan, Maria, dba "Lucita's Bar," 5163 Mission St., Billiard Parlor (continued from January 4, 2005).

Jocelyn Kane there was no more approvals requited and there were no letters of protest and staff recommended approval. She added the second application was for Lucita's Niteclub at a separate address on Mission Street for a Place of Entertainment permit and had approval from Ingleside station with conditions. She added staff recommended conditionally granting the permit.

Public Comment

No public comment.

Commissioner Pred moved to approve Lucita's Bar

Commissioner Shlain second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin,

Commissioner Alan, Commissioner Pred & Commissioner Joseph & Commissioner Leong

NOES - None

ABSENT - Commissioner Meko

Kaplan, Maria, dba "Lucita's Niteclub," 3247 Mission St., Place of Entertainment.

Public Comment

No public comment.

Commissioner Pred moved to approve Lucita's Niteclub

Commissioner Leong second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin,

Commissioner Alan, Commissioner Pred & Commissioner Joseph & Commissioner Leong

NOES - None

ABSENT- Commissioner Meko

Caine, John, dba "Hi-Dive Restaurant," Pier 28 1/2,Place of Entertainment.

Jocelyn Kane stated they received approvals from southern station and planning and

could move the item forward. She added they recommended conditional grant of the permit. She added the applicant had questions about his conditions from officer Rose Meyer.

John Caine stated in the SFPD recommendation in the conditions for 7 days a week they asked for he added he wanted to remove the three to four piece jazz band out because he was not sure what he would have for entertainment. He added the conditions stated one DJ nightly and he may rotate DJ's and wanted it removed.

Commissioner Pred asked the applicant what made him believe that his jazz band language was placed in the conditions.

Mr. John Kane stated he might have put it on his application as an example.

Chair Joseph asked what the applicant's hours of operations were.

Mr. Caine stated 7 days a week Saturday and Sunday 10:00 A.M. to midnight and Monday through Friday, they opened at 11:30 A.M not later than 2:00A A.M.

Commissioner Pred asked if the hours were limiting and would he rather have more flexibility for when he had entertainment.

Mr. Caine stated the hours were limiting and rather have the hours be 7 days a week to open to close.

Commissioner Pred stated he should have the freedom to make the choice as a business owner and not be determined arbitrarily by a permit officer.

Mr. Caine stated he would like to change it.

Chair Joseph asked if the applicant's kids came to sing would they be over 21 years of age and if he had a type 47 liquor license.

Mr. Caine stated they were not over 21 and he did have a type 47 liquor license.

Chair Joseph asked if the applicant wanted to restrict his patrons to 21.

Mr. Caine stated he did not want to restrict his patrons to 21.

Chair Joseph asked the applicant if he had a method of knowing who was 21 and who was not to buy alcohol at the bar.

Mr. Caine stated his staff was trained from the lead program from ABC. He added it was about checking identification.

Chair Joseph stated that the conditions stated he must have someone at the door checking Identification to ensure 21 and over per condition No. 2. She added if she came into his club and was 20 years old would his bartenders check identifications.

Mr. Caine stated the bartenders did check ID's

Chair Joseph asked if the applicant had a way to tag people who were not 21 and what time he would end his meal service.

Mr. Caine stated he did have process to tag people and would end his meal service at 10:00 P.M.

Chair Joseph suggested deleting item No. 2 from the applicant's conditions.

Commissioner Alan stated the applicant in Section E described his business activity and in the describing of his business activity they stated on Saturday and Sunday afternoon toward the end of brunch service and moving into dinner service a three-piece jazz band. He added it followed that they would continue with either a jazz style format or a live bind or a disc jockey. He added he could see how company B might have interpreted it.

Commissioner Pred stated 6C stated planning code section 803C Good Neighbor Policy for nighttime entertainment activities was redundant and should be stricken. He added a memo should be sent out to update the permit officers so it did not end

up in future permits.

Chair Joseph asked if Mr. Kane would have security personnel.

Mr. Caine stated he had security personnel after giant games. He added sometimes he needed and sometimes he did not.

Chair Joseph stated according to Scharod's Law he had to submit a security plan.

Mr. Caine stated it was in his application.

Commissioner Lorin recommended throwing southern station's recommendation stipulations out until they get it right.

Chair Alan stated he agreed with Commissioner Lorin's suggested. He added Southern stations recommendations were confusing and having had such recommendations on the wall of his establishment intended to confuse law enforcement personnel when they came in and tried to decipher them at 2:00 A.M. in the morning and what was meant by it. He added the Entertainment Commission's conditions that had been standardized in every effort to make clear and concise should be replaced with southern station's conditions since there was nothing in their conditions that would apply to the venue that was not covered by the Entertainment Commission standard conditions.

Commissioner Shlain stated that it would send a strong message to the police that the commission was serious about what they did and the commission wanted them to be serious about what the commission did.

Commissioner Lorin stated the recommendations were smart but they were but they were unnecessarily limiting. He added when the commission gave out a entertainment permit the commission should be telling the business owner that they had permission to provide whatever entertainment that they saw fit to help their business and for the community and the commission should not restrict them.

Public Comment

No public comment.

Commissioner Lorin moved to conditionally grant the permit eliminating the stipulations from southern station Commissioner Alan second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin, Commissioner Alan, Commissioner Pred & Commissioner Joseph & Commissioner Leong

NOES - None

ABSENT- Commissioner Meko

COMMISSIONER COMMENTS AND QUESTIONS.

Commissioner Alan acknowledged Chair Joseph for the work she was doing in her private life to honor and raise money for the victims of Tsunami tragedy. He added the LGBT community was a large portion of San Francisco and as many times as the commission could tell from the hearing could be fragmented and inviting amongst itself and needed common causes in which to rally itself and show to the world the strength on not only its community but its ability to raise money and reach out and help other communities in need. He added on February 5, 2005 at Terra at 511 Harrison Street. He added it would be a very large benefit party, were everyone working on the project would be donating their time so that every single dollar that came in would go to the victims of Tsunami. He added he wanted to acknowledge Chair Joseph's leadership in her role and encouraged the fellow commissioners and staff to attend the event and to make a contribution to support the community and make a statement to the world. He added more information could be found out about the event from at http://Queercares.com.

Commissioner Leong stated if the commission was going to ask the police to try clean up their act with the regard to recommendations he added it would behoove the applicant's to fill out their applications to realistically represent what they wanted in their business. He added it lends to the confusion when a permit officers submitted their recommendations to the commission and it appeared to limit what they would offer.

Commissioner Shlain asked did the applicants get their recommendation before they met with the police and what part was the commission actively involved.

Jocelyn Kane stated it varied tremendously where people decide it was time for them to get and get their permit and sometimes it happened early in the process and the applicant was not sure of their business plan what kind of entertainment they want to provide. She added it was all over the map and hard for her to know. She added it

was difficult to ask them to be broad or very specific. She added she would appreciate any help the commissioners could provide in revising the forms. She added when she went over the forms with applicants she made it clear for them not to box themselves into a corner or be too broad.

Bob Davis cautioned the commissioners about staff participating too much in the in how they advised the applicants on what to say per the city attorney.

Chair Joseph stated staff should state the Scharod's law security requirement in the application process.

Commissioner Pred stated a brief statement in the application should recommend the applicants to not limit themselves with language approved by the city attorney.

Commissioner Lorin stated as a commission they should not put limits on the applicant for economic reasons. He added the questionnaires in the permit packages were devised by the city attorney because of lawsuits and strongly advised the commission not to tinker with the questionnaire.

Chair Joseph asked under entertainment and music could the commission change it from type of entertainment or music amplified or D.J.

Commissioner Lorin stated he did not know the linguistics' of changing the wording. He added as a commission they have not to limit anything.

Commissioner Shlain stated to make it simpler to add check boxes so people could check their boxes with special comments. He added that staff should talk to the city attorney about what to add. He added he would like to look a new permit application.

Bob Davis stated staff would look into it, but it was still up to the commission to determine that the applicant could have a level of flexibility but for the community and neighbors to have some knowledge of what was going into their neighborhood at a given point.

Commissioner Leong stated the commission could put in a mechanism to make the

police department's recommendations more useful to the commission.

Chair Joseph asks to have another meeting with the permit officers regarding Place of Entertainment.

Commissioner Alan stated one point the commission needed to be aware of was the planning code defined entertainment in such a way that if you have non-amplified entertainment it is not considered entertainment. He added it was complex and that guidance needed to be given to the applicant.

Commissioner Pred stated he was present to observe the proceedings of the appeals board and it warranted additional follow-up so the Entertainment Commission was clear to ensure they were on the same page.

Commissioner Shlain stated he would like to see the convention and business bureau and other entities to work together.

Chair Joseph stated she did reach out to the bureau they supported nightlife but did not included a plan for entertainment it only extend to business bureau.

Commissioner Shlain stated the commission needed to have a road map to what they would like to see in San Francisco in the next five years.

Bob Davis he and Commissioner Shlain met with the Film commission and the small business commission people on creating an association for entertainment areas in the city.

Chair Joseph stated that a recommendation should be made to the Mayor about the struggling industry of the entertainment.

Commissioner Alan stated six years ago when he first begin to be involved in the late night entertainment politics through the San Francisco Late Night Coalition. He added the South of Market Residents Association to oppose then Supervisor Gavin Newsom idea to create an entertainment zone on 11th street. He added the Entertainment Commission needed to be careful not to forget what happened a recent six years ago that went on for two years and almost caused then Supervisor Gavin Newsom his re-

election bid. He added it was also the birth of the Late Night Coalition and the Entertainment Commission and also the birth of the Entertainment Commission he added the horrible things came good. He added to reach out to the ABC and use the leverage they had.

Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- Permit Appeals meeting - There will be further discussions with the city atty.
- Office Space - Bob Davis stated there would be a counter space added in the Entertainment Commission office in the following two weeks.
- Fillmore discussion to be brought to the Executive Committee.

Discussion of agenda items for future Entertainment Commission Meetings.

No new items were discussed.

Adjournment. 6:41 P.M.

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting **SPECIAL MEETING**
Wednesday, January 26, 2005 at 5:00 P.M.
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

SF
E81
#1
1/26/05
special

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1) **Hearing on the possible suspension of Permit No. 103954, Place of Entertainment, and Permit #87900, Extended Hours Premises issued to James V. Kelly, dba Kelly's Mission Rock located at 817 China Basin, San Francisco, CA.**

2) **Adjournment.**

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ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room *400*is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine.** For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, February 1, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

SF
E81
#1
2/1/05

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the Regular Entertainment Commission meeting of January 18, 2004. **[Action Item]**

2. President's Report.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Kaplan, Maria, dba "El Amigo Bar," 3355 Mission Street, Billiard Parlor (one table).**

b) **Kelley, Laure, dba "Medjool Restaurant," 2518 Mission Street, Place of Entertainment.**

c) **Lee, Steven, dba "Glas Kat Supper Club," 520 4th Street, Place of Entertainment/Major Amendment.**

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1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

4. Commissioner Comments and Questions.

5. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

   - MOU
   - Entertainment Commission - Office Space

9. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

10. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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City and County of San Francisco
Entertainment Commission

February 01 2005

MINUTES OF THE

February 1, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Audrey Joseph, Chair

Terrance Alan

Bruce Lorin

Jim Meko

Joseph Pred

Jordan Shlain

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:10 P.M.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Bruce Lorin, Audrey Joseph, Jim Meko Jordan Shlain and Joseph Pred.

Absent at the time of roll call were:

Commissioner Leong

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

No public comment.

Review and approve minutes of Regular Entertainment Commission meeting of January 18, 2005.

Public Comment

No public comment.

Commissioner Alan moved to approve the minutes of January 18, 2005 with the two

Commissioner Lorin second the motion.

VOTE:

AYES - Commissioner Lorin, Commissioner Alan, Commissioner Pred & Commissioner Joseph

NOES - None

ABSENT- Commissioner Leong

ABSENT - at time of vote- Commissioner Shlain

ABSTAIN - Commissioner Meko

PRESIDENTS REPORT

Chair Joseph stated the hearing on Kelly Mission Rock permits begun and was not completed. She added the hearing was continued for February 22, 2005 at 5:00 P.M. in hearing room #406. She added there would be a rally on the steps of City Hall in support of the Tsunami victims and the event benefiting the Tsunami victims at Terra at 511 Harrison Street, Saturday February 5, 2005.

Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

(3A) Kaplan, Maria, dba "El Amigo Bar," 3355 Mission Street, Billiard Parlor (one

table).

Jocelyn Kane the applicants had been present before the commission three times for other permit applications. She added they continued the item previously for lack of a response from the planning department and had now received an answer from planning with conditions that the applicants had agreed to. She added the conditions were discussed with neighborhood groups and Ingleside station.

Public Comment

No public comment.

Commissioner Pred moved to approve

Commissioner Meko second the motion.

VOTE:

AYES - Commissioner Lorin, Commissioner Alan, Commissioner Pred, Commissioner Joseph & Commissioner Meko

NOES - None

ABSENT at time of vote - Commissioner Shlain

ABSENT - Commissioner Leong

Kelley, Laure, dba "Medjool Restaurant," 2518 Mission Street, Place of Entertainment.

Jocelyn Kane stated the applicant was present to describe his plans to bring entertainment to his full service restaurant in the Mission. She added there was approval from Mission station with conditions. She added there was a planning approval that came later and the applicant had his security plan attached.

Commissioner Alan asked what the applicant's entertainment security plan indicated that the applicant's managers would serve as security guards and asked him to describe the type of training the managers were given as it relates to security they would implemented for the venue and the laws they had to uphold as part of his team.

Mr. Kelly stated the managers would act as security for eyes and ears, and not acting as physical security. He added his venue was not set up as a nightclub and would hire security for dances. He added the manager was trained to deal with customers on a on a conversational level and not security.

Commissioner Alan stated when the applicant moved from being a full service restaurant serving alcohol to a dancing establishment the crowd changed and dynamics of the interaction of the crowd changed. He added the Alcohol Beverage Control Board a state agency conducted free training called the lead training and suggested the applicant got training because it would give him the limits of what the laws were as it relates to the ABC. He added there was also training available through the Department of Consumer Affairs for Security guards that may be helpful.

Mr. Kelly stated he would look into the training programs that were offered by Commissioner Alan.

Chair Joseph stated the lead card was a good thing to have and it was good for six years. She added she took exception to the fact that the applicant came to the commission for a conditional grant for a place of entertainment and the applicant was operating illegally by having dances prior to being heard by the commission. She added it was unfair to the applicant's that were doing it the right way.

Mr. Kelly stated he did not recognize until after the flyers went out that it was being done. He added he checked with the police department that it was being done not within the law. He added when they found out they put in for an application right away. He added he cancelled the event.

Chair Joseph stated how would he deal with the crowd that showed up at his cancelled event without trained security.

Mr. Kelly stated if they had approvals from the commission they would be ok and if they did not have approval they would not be ok.

Chair Joseph stated it was a conditional use.

Jocelyn Kane stated the applicant still needed approval from building inspection some corrections on electrical and noise abatement test and fire.

Chair Joseph stated if the commission granted a conditional permit the applicant would be required to get all the approvals before he could get a final permit to permit him to have dances in his venue. She added if the applicant was going to have a dance he would have to have trained security staff and asked the applicant to revise his security plan.

Commissioner Alan stated the Department of Consumer Affairs had a security guard card program that was available. He added in the process of the applicant opening his entertainment business he should take advantage of the program and require his manager go through the program and be knowledgeable with the state laws on what they can and can not do. He added the applicant's security team was his defense between his business opening and being shut down.

Mr. Kelly stated he appreciated the advice and would take advantage of both the Consumer Affairs and ABC.

Commissioner Meko stated the applicant would be instructed to go back a recreate his security plan subject to approval by the Entertainment Commission staff. He asked was the applicant familiar with the conditions that had been suggested by Mission station.

Mr. Kelly stated he was familiar with the conditions and had no problems with them.

Public Comment

No public comment.

Commissioner Meko moved to conditionally approve the permit with a revised security from the applicant to be approved by the Entertainment Commission staff planned by the applicant and the six conditions from Mission Station Commissioner Lorin second the motion.

VOTE:

AYES - Commissioner Lorin, Commissioner Alan, Commissioner Pred, Commissioner Joseph, Commissioner Shlain & Commissioner Meko

NOES - None

ABSENT - Commissioner Leong

Chair Joseph stated that more education

Needed to be given to applicants.

Commissioner Alan stated it would be helpful and as the Entertainment Commission's relationship improved with the SFPD and they become partners with the Entertainment Commission in identifying were the events happened. He added he knew there were events being shut down every week by the SFPD and the Entertainment Commission was not aware of them being shut down.

Lee, Steven, dba "Glas Kat Supper Club," 520 4th Street, Place of Entertainment/Major Amendment.

Bob Davis stated the application was submitted on January 7, 2005 to amend the applicant's Place of Entertainment permit to remove the conditions required 21 plus only in the venue. He added they currently had a type 47 liquor license and therefore entitled under the ABC to allow entry to all ages while food service was available. He added the venue has given numerous 18 and over events over the year. He added at the time memo was written staff was not aware there were any incidents. He added staff's conclusion was to recommend a conditional approval. He added subsequent to the memo staff received some calls from the neighbors registering some concerns. He added after they received some calls from the neighbors staff called to get the CAD police report. He added staff asked if the calls were serious and the police stated there were not. He added officer Rose Meyer recommended approval for the amendment. He added Mr. Lee wrote a letter in response of the neighbors on how he would address the concerns.

Steven Lee stated he's been running the Glas Kat since October of 1999. He added they had a full restaurant and their dinner customers were driven by the entertainment they provided. He added he had been to the board to get one-night dance approvals and had no related incidents to the ones he obtained. He added they had a Monday night 18 and over that they were granted a year ago and there were no incidents. He added they wanted to be like the other 47 without the restriction of coming back every time to obtain a permit. He added he held Salsa Night on Tuesdays and had to kick out the children at 10:00 P.M. after they have dinner. He added he would like to have the restriction removed to have other people enjoy the club and entertainment they provide.

Chair Joseph stated she did not want any comparisons between the Glas Kat and

Kelly's Mission Rock made by anyone.

Commissioner Lorin stated he supported the service me who only had to be 17 years old to fight for our country. He added he was in support of them being able to frequent nightclubs in the city.

Commissioner Meko stated the ABC currently had the applicant under suspension and stated it was bad timing. He added the commission was not judging the ABC. He added did Mr. Lee turn his venue over to promoters.

Mr. Lee stated promoters were along with them he added they did not rent the venue out.

Commissioner Meko asked when promoters rented out the venue and they bring their own security.

Mr. Lee stated they used their own security team.

Commissioner Meko asked if he had security present outside of the venue at all times of the event.

Mr. Lee stated on Thursday, Friday and Saturday they usually had a guard watching the Welch and Freelon Street side and the parking lot and supervisor that stood out front of the venue He added on Saturday night he had a patrol special that got ride of the drive-byes.

Commissioner Meko asked what the applicant's policy was his security staff if they were able to see public urination.

Mr. Lee stated they approached the person and stops them and then security comes to assist them and try to avoid a confrontation. He added there had been situation where they are detained and the police had to be called.

Commissioner Meko asked did the applicant do the same for drug sales that were

visible from where his security staff was standing.

Mr. Lee stated there was an incident were a gentleman was in line and did not want to remove his hand from his pocket and a patrol special flagged a patrol car down and as a result the man was arrested because they did a search of his vehicle and found drugs.

Commissioner Meko stated the commission had a print out of police service calls from the last three months of last year from Mr. Lee's venue and from 35 calls there were 12 calls that were considered to be priority A or B which were considered serious. He asked if Mr. Lee considered that average for a nightclub.

Mr. Lee stated they run a 2,500 people a week. He added some of the calls into the police station came from his venue to have people picked up by the police. He added they had a policy of not letting people in after a certain time. He added some of the party buses got out of hand. He added the party buses were a big industry in San Francisco because some of the clubs were not doing well. He added they call the party companies that had 30 to 40 people on a bus and they drive around to three nightclubs in the city. He added the problem was by the third nightclub you would have drunken patrons and there were issues with security.

Commissioner Meko asked if a party bus dumped inebriated 35 to 40 people into Mr. Lee's venue and when they left the venue the first thing they were looking to do was to relived themselves, did Mr. Lee insure they went into the venue to do so.

Mr. Lee stated security guards in the alley watched the buses when they upload and tried to get the bus out of the area. He added they did not let people on the party buses come into the venue after 11:00 P.M. He added they did not have those kinds of problems when they use to let them in at 12:00 A.M. or 1:00 A.M. He added Captain Davenport was persistent about the double parking and they try to uphold his request.

Commissioner Meko asked what efforts were made in working with his neighbors.

Mr. Lee stated he inherited 20 years of the previous venues problems. He added they have solved the parking lot issue with the police for the after hours. He added the parking lot was the major problem and they now roped off the parking lot with the cooperation of the parking lot and eliminated a lot of the problems. He added the noise issues were handled by security following patrons to their cars to make sure the noise level was kept down. He added people left when they stopped serving alcohol at 1:45 A.M. and it was not so intense. He added the Welch street neighbors adjacent to his venue have not complained about noise. He added there would be individual's who thought nothing he did was fine. He added they have caught people breaking windows and made a few arrest of vehicle break in and people personating as parking lot attendants. He added they have been the eyes of 4th street. He added they did the best they could to elevate the noise when patrons left his venue.

Chair Joseph asked Mr. Lee when the party people entered his venue did they do a search.

Mr. Lee stated they were all searched and identified at the door.

Chair Joseph asked why the party bus patrons were not charged when the entered his club.

Mr. Lee stated between the hours of 10:00 P.M. and 11:00 P.M. people were still coming to the facility and they were rotating the use of their space.

Chair Joseph asked if the party bus patrons provided him with income by buying alcohol between 10:00 P.M. and 11:00 P.M.

Mr. Lee stated they did.

Commissioner Alan asked Mr. Lee to elaborate on his arrangement of special patrol officers.

Mr. Lee stated Saturday nights was a mixed crowd that included the party bus there was a concern of traffic with the neighbors he made arrangements with Officer Robert Burns to monitor his facility between 10:00 P.M. and 12:00 A.M. to keep the traffic moving and give out citations if necessary. He added if there were problems with people that did not want to be searched he could send them to the police.

Commissioner Pred asked Captain O'Neil his opinion of the CAD printout for the Glas Kat and was it considered average for a venue.

Captain O'Neil stated a lot of the police calls originated from the Glas Kat. He added he did not like to discourage the clubs from calling the police when there was criminal activity or disruptive individuals. He added years ago they use to do calls of

service and a lot were for ambulance and some clubs stopped reporting them and sent people out. He added some were minor things in connection to the address and typically he looked at things originating from other addresses of noise complaints in the area and vandalism. He added the club was acting in a responsible manner by calling in incidents.

Public Comment

Mr. Robert Scott resides on Freelon Street in San Francisco. He added the neighbors closed down the previous venue from neighborhood problems. He added Mr. Lee came along and told them the venue was going to be a supper club for Asian Business men to come and have dinner and entertainment. He added it was not true and had yet to see a businessman walk into his establishment. He added he did not stand outside the venue 24 hours and day or during their hours of operation or view every person that went inside their establishment. He added the times he did stand out front Mr. Lee's security guards had their spotlights on him because he was watching what was going on and making notes. He added he reported incidents to the police and ABC they took care of them. He added they have had difficulties with the establishment since it's been open and it was strictly venue driven. He added on Tuesday night's Salsa and Monday nights there were no problems. He added was every Wednesday no going to be Bondage a go-go and were 17 year olds going to go into the venue on that night. He added Hip Hop nights were the evenings of most public drunkenness on their street. He added the patrons parked prior to security guards being set up. He added he could not be kept up every night of the week to see what was going on. He added the times he did there was at least one incident and didn't consider the permit for 18 to 21 year olds.

Commissioner Meko asked Mr. Scott if he was supplied with a phone number from Mr. Lee's venue that answered the phone if there were problems. He added when he called did he have a satisfactory response.

Mr. Scott stated yes they did have a phone number they could call. He added the one time he called and had a conversation was an incident were he was assaulted by a person who was shooting photographs inside the club and came out and urinated in the street. He told the person the police did not appreciate that kind of activity at which the man assaulted him. He added he went to Mr. Lee and his security people and explained what happened. He added Mr. Lee stated he knew who the patron was and he was 86 from the club and for him not to worry. He added a month later he saw the man's vehicle parked down the street and assumed the man was in his venue he then called the police they came out. He added man had several outstanding warrants and the police asked the security people to go in the club and bring the man out and he was cuffed him and took him out of the club. He added from his experience the security at the Glas Kat was extremely laxed.

John Wood with San Francisco Late Night Coalition submitted a letter from Liam Shy a

former youth commissioner in support of the Glas Kat's application. He added he and been involved with situations with neighbors and entertainment venue for 5 years and Mr. Lee was one of the good guys in the industry and his feelings were it was one or two neighbors that would never be satisfied. He added he did not know of anyone who added 10B officers to monitor the parking lots of their establishment in which Mr. Lee had no control. He added that he was happy to see that permit officer Rose Meyer approved the permit and there had been a lot of work to prove that young people had a right to go out in San Francisco as well and they did not necessarily represent a management problem.

Ms. Margie Swartz resides on Freelon Street in San Francisco. She added she was not present to be contrary and tried to work with everyone. She added that Mr. Lee was an ok guy and she was not disputing. She added the whole issue stemmed from the neighbor thinking it was going to be a calming low-key supper club. She added it was not a youth issue but more in terms of it originally being a supper club they would not have to discuss cornering off the streets and having Mr. Lee pay money for security guards. She added the only other reason it was done because there were extra venues they did not count on in the neighborhood that were coming in and venues that had to have extra security. She added they all wanted to try and work together and it was unfortunate that they had to deal with extra security because the venues had totally changed.

Mr. Richard Roebuck resides in the Tenderloin. He added he was 20 years old and had been going to event around San Francisco since he was 15 years old. He added for a long time him and his peers went out to seek places that were permitted were they could have a safe fun time. He added the Klas Kat would be a perfect venue. He added a lot of the issues he heard were problems that a lot of clubs and venues in general. He added the age range would not get rid of the issues nor made them worse. He added that if the commission allowed it to happen if would be a boom for the city and the culture as a whole.

David King resides in Oakland and the promoter for Death Guild. He added for the past 12 years he worked in many different clubs in San Francisco area and Mr. Lee had one of the best security set ups than many of the different venues he had worked at in San Francisco. He added there were guards in the allies adjoining the club and never worked at clubs that took care of that area.

Lt. Schlotz stated if there had been reports of problematic activity from the CAD print the commission received she would have received the reports. She added she did not see any reports or heard of any problems at the Glas Kat. She added the other item was from two years ago there was inspection by a permit officer from southern station regarding the business license. She added that she spoke at length with the building inspection and Mr. Lee completed all inspections and gotten a total permit clearance and it had been done right away.

Mr. Barry Toronto stated cab drivers needed the Glas Kat location. He added Death Guild was a good location for Bondage a go-go. He added they did not allow for inappropriate behavior to go on and took care of in an appropriate and humane

manner and assisted the security with problems. He added it was promoter driven and it was important that Mr. Lee should build a better rapport with promoters and tell them that certain behavior was not allowed. He added that security was strong at the Glas Kat.

Mr. George Wessonale with Death Guild stated he was the manager of the Trocadero from 1993 to 1997. He added the best way to communicate with neighbors was directly he added he did not know if permit hearings were the appropriate time for a meet and greet. He added if the neighbors felt they were not satisfied they would take it to a community mediation service were everything was documented and there was a time line. He added if the permit was granted he would hire additional security and provide safe environment.

Diana Bowen, resides in El Cerrito stated she was the salsa promoter on Tuesdays at the Glas Kat and she did the booking for private parties for the Glas Kat. She added they did have companies and business people who came to the Glas Kat but were not in their suits and were probably being judge by the neighbors because they were dressed down in their jeans. She added the have business through from high school for proms to UB Soft, Red Bull and the Mayor's office and the California Asian Democratic Club, Washington Mutual and Wells Fargo that were reputable businesses. She added she got a lot of calls and emails as not only a salsa promoter and her customer base from families that want to come and have dinner and have their children from out of town be shown their culture. She added a lot of times she had to turn them away. She added on the weekends they had bachorlrett and birthday parties. She added sometimes there were cases were the coordinator by the made of honor who a lot of times they were 20 years old and she had to turn the coordinator of the wedding party away because they were 20 years of age.

Jackson Chang a managing member of Club Curilo C. He added they were an event coordinator that produced parties for various college campuses throughout California. He added he started working with Mr. Lee in December of 2004. He added they hosted a bay area college event to raise money. Ed He added by allowing them to do 18 and over events they could do a lot of fundraising for the community. He added their next project relief would be for the Tsunami orphans. He added when they did their events it benefited the community. He added through his experiences with working with different nightclubs and restaurants Mr. Lee and his security provided one of the most professional atmospheres and hoped to do more events at the Glas Kat.

Chair Joseph stated she agreed with Commissioner Lorin and John Wood and the Board of Supervisors who passed an ordinance that youth had a right to be out. She added Mr. Lee may have wanted to open a supper club but because of the size of the venue and the economy she did not foresee him making a living as a supper club. She added other venues that did 18 and over were Slims and City Nights and it was not a lot of places for kids to go so another place would probably be welcomed.

She added the commission required a security plan to ensure public safety and was not a negative thing it was a positive thing and ensured the safety of the public.

Commissioner Pred stated it was a landmark venue that provided a variety of interesting events and there was a huge shortage of events that provided 18 and over.

Commissioner Lorin stated Mr. Lee had been doing a great job and would like to see him do a better job. He added it was very important that the entertainment venues get along. He added maybe it would not be perfect but the more time spent in cooperation it would be good for everyone.

Commissioner Alan offered a friendly amendment to strike Company B recommendations 1 through 3. He added that bullet point number's 1 through 6 should be amended.

Commissioner Meko stated that labeling a neighborhood an urban environment did not erase the fact that there were neighbors there. He added neighbors did not necessarily think like the entertainment industry.

Commissioner Alan moved to with the friendly amendment to strike Company B's recommendation and amendments 1 through 6 Commissioner Joseph second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin, Commissioner Alan, Commissioner Pred & Commissioner Joseph & Commissioner Meko

NOES - None

ABSENT- Commissioner Leong

COMMISSIONER COMMENTS AND QUESTIONS.

Commissioner Pred stated he attended a

meeting held by Cindy Shambam and Dr. Brown regarding the EMS section to review with industry representatives and EMS representatives the new EMS requirements for temporary mass gatherings and events. He added it was a very productive meeting and a solid framework was in place that ISCOTT would be handling. He added POE would not be affected by it. He added he would recommend the Entertainment Commission adopt the same policy to POE holders. He added a final draft was in

place and would like for it to be adopted and voted on by the next Entertainment Commission meeting.

Commissioner Lorin stated he would like to see the Executive Committee to explore other alternatives than having a full-blown hearing in front of all of the commissioners. He added that either one should be assigned to hear it or the Executive Director and then make a presentation to the commissioners.

Commissioner Shlain stated that the Executive Committee could draft some guidelines for future specific hearings. He added for the next Executive Committee meeting, the city attorney should attend to explain the process of what standard the commission is held to for special hearings and map out a program.

Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- MOU - Nothing to report until July 2005.

- Office Space - Bob Davis has moved up stairs. He added the Entertainment Commission sign has been ordered to add to the door and the counter would be put in.

Discussion of agenda items for future

Entertainment Commission Meetings.

No new items were discussed.

Adjournment. 7:11P.M.

City and County of San Francisco
Entertainment Commission

February 15, 2005

Notice and Agenda for Meeting

Tuesday, February 15, 2005 at 5:00 P.M.

Room 406, City Hall

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1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the Regular Entertainment Commission meeting of February 1, 2005. [Action Item]

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. [Action Item]

- Tiernan, Liam, dba "Tiernan's," 685 Beach Street, Place of Entertainment

- White, Mark, dba "Metreon," 101 4th Street, Place of Entertainment/Major Amendment.

- Chen, Albert, dba "Louie's Bar and Grill," 55 Stevenson, Place of Entertainment.

- Chiu, Jonathan, dba "Eight," 1151 Folsom Street, Place of Entertainment

- Jimenez, Alex dba "Church King of Kings," 4680 Mission Street, Loudspeaker Permit for 24th and Mission Streets, February 6, 2005, 12:30PM - 3PM.

3. Commissioner Comments and Questions.

4. Report from the Executive Committee. (Jordan Shlain, Chair)

5. Report from the Legislative Committee. (Bowman Leong, Chair)

6. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- Budget for 2005- 2006.

- Legislation on adding life safety/EMS plan for specific events and certain venues.

9. Discussion of agenda items for future Entertainment Commission Meetings. [Action Item]

10. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force

Donna Hall, Administrator

City Hall, Room 409

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102-4689

Office: (415) 554-7724

(Fax): (415) 554-7854

(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

February 15, 2005

MINUTES OF THE

February 15, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Audrey Joseph, Chair

Terrance Alan

Jim Meko

Joseph Pred

Jordan Shlain

Bowman Leong

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:10 P.M.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko Jordan Shlain, Bowman Leong and Joseph Pred.

Absent at the time of roll call were:

Commissioner Bruce Lorin

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

Martin McIntyre resides in San Francisco at University Terrace. He added last June the Entertainment Commission approved a last minute out door permit for the Aids Life Cycle ceremonies that took place the following Sunday morning in his neighborhood. He added the Loud Speaker Permit was approved for 6:00 A.M. and it violated the rights of sleeping residents in the neighborhood.

Review and approve minutes of the Regular Entertainment Commission meeting of February 15, 2005.

Public Comment

No public comment.

Review and approve minutes of the Regular Entertainment Commission meeting of February 1, 2005.

Commissioner Alan moved to approve the

Minutes of February 1, 2005

Commissioner Shlain seconded the motion

Commissioner Alan stated there was a

correction on Page 6, paragraph 2 sentence

elevated should be changed to eliminated.

VOTE:

AYES - Commissioner Meko Commissioner Joseph,

Commissioner Pred, Commission Alan

NOES - None

ABSTAIN - Commissioner Leong

ABSENT AT TIME OF VOTE- Commissioner Shlain Commissioner Lorin.

Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

- a)Tiernan, Liam, dba "Tiernan's," 685 Beach Street, Place of Entertainment

Jocelyn Kane stated the applicant was present to apply for a place of entertainment and there was approval from company A with conditions and an approval from planning. She added the venue was looking to do entertainment in the evenings and occasionally during the daytime.

Commissioner Alan asked the applicant would have a doorkeeper at the door and to elaborate on what the subsequent check would verify with the identification. He added since the applicant's license was a 47 they were allowed to admit patrons of all ages and when he did entertainment did he plan to change the policy.

Mr. Tiernan stated they would make sure the customers were not under age to be served alcohol on the premises. He added they would use a stamp or bracelet system if someone brought in a minor to distinguish type of security measures.

Commissioner Alan stated it was a large responsibility to allow for all ages in their venue and required a security plan. He asked the applicant what type of security measures he would put into place to make sure his license was protected.

Mr. Tiernan stated they were new to the San Francisco area and had been running an all age establishment in Boston financial district. He added they would have educated management working the floor at all times and having the door people properly trained.

Chair Joseph stated since the applicant's venue was 179 he was required to have two security people. She added he should have his security trained by the Lead program so they knew how to identify.

Commissioner Meko asked if the applicant was ok with the police department's ten conditions. He added the Entertainment Commission would add the Good Neighbor Policy onto the applicants permit.

Mr. Tiernan stated he would comply with the police department's conditions as well as the Entertainment Commission's Good Neighbor Policy.

Commissioner Leong asked if Mr. Tiernan would monitor the smoking and parking lot near the venue.

Mr. Tiernan stated they would monitor the smoking area and parking lot area.

Public Comment

No public comment.

Commissioner Leong moved to

conditionally approve the permit

Commissioner Meko seconded the motion

VOTE:

AYES - Commissioner Meko Commissioner Joseph,

and Commission Alan Commissioner Leong, Commissioner Pred

NOES - None

ABSTAIN - Commissioner Lorin Commissioner Shlain

Chair Joseph stated item 2 E would be moved up on the agenda.

- b)Jimenez, Alex dba "Church King of Kings," 4680 Mission Street, Loudspeaker Permit for 24th and Mission Streets, February 6, 2005, 12:30PM - 3PM.

Bob Davis stated the applicant had been applying for loudspeaker permits from the Entertainment Commission for several months. He added the applicant was recently issued a permit that included a seven-piece band to assist in his preaching at the corner of 24th and Mission Street. He added complaints were filed with the police department and with staff. He added the applicant was made aware of the complaints. He added the following week the applicant came to apply for another

permit. He added with the advice counsel and per instructions from the commission any applicant were there had been problems had to be bought in front of the commission when staff no longer had discretion in that area. He added Mr. Jimenez requested to come before the commission and present his case.

Mr. Alex Jimenez stated he was present with Joe Rodriquez the director of music and would speak on behalf of Mr. Jimenez.

Mr. Jose Rodriquez stated he was the music director of the King of Kings church. He added they preached every Sunday at 24th and Mission and looked at it as a good cause. He added they wanted to continue to preach the word of God.

Chair Joseph asked how many amplifiers Mr. Rodriguez was using and how many instruments they had.

Mr. Rodriquez stated there were two amplifiers and there were four instruments and one singer and two girls that did chorus.

Chair Joseph asked could they perform without the amplified their music or used a coastal base or guitar and be heard.

Mr. Rodriguez stated they could but would not be heard.

Commissioner Meko stated sound was not to be audible within 250 feet and if the applicant paced the measure of the sound and was the applicant aware that the sound could be heard four blocks away.

Mr. Rodriguez stated he heard the sound could be heard two blocks away.

Commissioner Meko stated the city code had requirement for sound not to be audible beyond 250 feet and that was the problem. He added if they could demonstrate they could operate within those constraints they could.

Officer Steve Thoma with Mission Police station stated 250 feet was half of a city

block and some of the complaints they got were far more than 250 feet the day they did play. He added that Mission Station intent was not to shut down the King of Kings. He added residents called in with complaints. He added that perhaps they could go back to the way they were doing it a month ago. He added a lieutenant from BART told him that he believed it was Bart's jurisdiction and they did not want any amplified sound. He added he called DPW and mapping stated they stated the city was in charge of the sidewalk 15 feet from the curb up to BART the rest was Bart's jurisdiction and they would have to apply or their permit through BART if they wanted to continue to have their music.

Chair Joseph stated what would happen if they picked another corner.

Officer Thoma stated they would have the same problem.

Chair Joseph stated did Officer Thoma have any suggestions.

Officer Thoma stated he did not but thought they should go back to doing it as in the past.

Commissioner Meko stated it appeared it was jurisdiction problem and the item should be continued until it was cleared up.

Chair Joseph stated sound traveled and the applicants would need to contain themselves in an area that would contain his sound.

Commissioner Alan stated he would move to continue the item to the call of the chair until jurisdiction was established.

Chair Joseph stated until the matter was cleared up the commission could no longer issue the applicant permits.

Commissioner Alan moved to continue

the item Commissioner Leong seconded

the motion.

VOTE:

AYES - Commissioner Meko Commissioner Joseph,

Commissioner Pred Commission Alan and

Commissioner Leong

NOES - None

ABSENT - Commissioner Shlain Commissioner Lorin

- c)White, Mark, dba "Metreon," 101 4th Street, Place of Entertainment/Major Amendment.

Bob Davis stated the application was submitted on January 18, 2005 after meeting with staff it was determined there were four separate permits that existed for a single facility. He added there was a lot of confusion to ownership and how the leases would be let out and at the time officer Meyer issued them permits for each area. He added the ownership was consolidation and they controlled the entire facility. He added staff recommended granting the amendments with the additional amendments that the applicant to obtain a one time event permit anytime event any time events to be held on floors 1, 2 or 4 that were outside the normal daily and evening operations. He added it would satisfy officer Meyer's concerns.

Mark White stated Jonathan Cook was his associate involved with the permit process.

Jonathan Cook stated they wanted to consolidate into two permits, the 1st and 2nd

floor as one permit and the 4th floor as its own separate permit.

Chair Joseph asked if some of the facilities in the Metreon served beer or wine and had entertainment.

Jonathan White stated they did serve beer and wine.

Chair Joseph stated how would the entertainment commission know what they issued as the permits.

Jocelyn Kane stated at the time it was unclear of what they were going to do and now the operations had evolved. She added other venues inside the Metreon had their own permits and the applicants needed to have their own permit.

Chair Joseph asked if the applicant read officer Meyer's conditions.

Jonathan White stated they agreed with all of the conditions except for the first two that he thought were outdated and limited them.

Jocelyn Kane stated staff recommended to use the one time entertainment permit should be used when they would hold an event that was more extensive. She added the applicant implied about a standard operating everyday event. She added it was the staff's recommendation based on the police concerns.

Chair Joseph asked how they would limit liquor to minors.

Jonathan White stated they would make sure they would control access to the 4th floor and they had security on the 4th floor that would check people in and contain it.

Chair Joseph asked why he chose to give up letting people under 21 inside.

Jonathan White stated it was easier than issuing bands and to keep it clear.

Commissioner Alan stated he would draw a parallel for himself and his fellow commissioners so they might understand the applicant's proposed operation. He added the during the times when the Galleria had a special large event they would get a one time event for the event and during the regular operation they did not and would operate under their regular place of entertainment permit. He asked the applicant if that was what he was attempting to do with his application.

Mr. Jonathan White stated he believed it was.

Commissioner Alan stated the Metreon stood out in San Francisco as being a beacon to the young generation of San Francisco and was a home of a large multiplex a food court and the home of the Sony play station store. He added the reason for his analogy was the city and county of San Francisco through an action of the Youth Commission that was dedicated in trying to look forwardly for providing safe and sane environments for its youth, the Youth Commission created a state of emergency that youth serving legal venues in San Francisco were almost nonexistent and it created a situation where if youth were old enough to fight, die for their country vote and go to jail as an adult but not over 21 they couldn't go to a entertainment venue in San Francisco. He encouraged the Metreon to take a leadership role in averting the crises. He added he was familiar with the problems of mixing 21 and 18 year olds together. He encouraged the Metreon not to fall into a management scenario to take the easy rode and consider carefully the impacts of telling 18 through 20 year olds they were not allowed into a special event what message it sent to the youth that defended the country. He proposed the applicant to amend most of the conditions proposed by the police department. He added when they were allowed by their ABC license to have all ages that they not restrict the event to 21 and up. He added his recommendation would be to strike the police department's recommendations and to replace it with the Good Neighbor Policy.

Mr. Jonathan White stated they would embrace the suggestion.

Commissioner Shlain arrived at 6:00 P.M.

Commissioner Meko stated that the word of the youth was that the Metreon did not welcome them. He added it was not the business of the commission to tell them how to operate their business, however he recommend that they be more welcoming to the youth of the city and little outreach would be good.

Jonathan White stated it was surprising to him and every year they had a lot of events with the community with children. He added upcoming they had a SFMOR sponsored event for Martin Luther King Day in their action theatre space and a earth day event coming up in March. He added they tried to include the community as much as they could.

Commissioner Pred asked what lead to the decision for them to have armed security at the Metreon.

Mr. Jonathan White stated they did not have armed security at the Metreon.

<u>Public Comment</u>

No public Comment

Commissioner Alan moved to approve

following staff's recommendation

to create three categories of permits floors

No. 1 & 2 be included in a single permit

Floor No. 3 to be included in its separate

Permit, and not a party to the motion

And floor 4 will be its separate

Permit and to strike the recommendation

of the SFPD and attach the Good

Neighbor Policy Commissioner Leong

seconded the motion.

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commission Alan Commissioner Leong, Commissioner Shlain and Commissioner Pred

NOES - None

ABSENT - Commissioner Lorin

- d)Chen, Albert, dba "Louie's Bar and Grill," 55 Stevenson, Place of Entertainment.

Jocelyn Kane stated the applicant was applying for a place of entertainment to have a live band or DJ's to help his business. She added there were conditions from Company B and approval from planning. She added the occupancy listed was incorrect and the applicant agreed to occupancy of 49.

Albert Chin stated he was one of the owners of Louie's Bar & Grill. He added he got feedback that the bar should be 49-person occupancy.

Commissioner Meko asked if the applicant met neighborhood associations.

Mr. Chin stated he did not and there were none within three blocks of his venue.

Commissioner Leong confirmed that he frequented the area and the applicant was correct and there were no neighbors and there were only office buildings.

Commissioner Alan offered a friendly amendment that reflected the commission's position on company B's recommendations. He added to strike No. 3, 2 and strike No. 1 and number 4 was redundant and to strike 5 and 6.

Commissioner Leong accepted the friendly amendment.

Public Comment

No public comment.

Commissioner Leong moved to

conditionally approve with a friendly

amendment's to strike No. 3, 2 and strike

No. 1 and number 4 was redundant and

to strike 5 and 6 Commissioner Pred

seconded the motion

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commissioner Pred, and Commission Alan Commissioner Leong, Commissioner Shlain

NOES - None

ABSENT - Commissioner Lorin

Bob Davis stated the applicant applied for permit for a place of entertainment on January 14, 2005 for entertainment including live music and Dj's. He added the venue had a type 47 ABC license but intended to limit access to 21 plus. He added he additional applied for two one time event permits. He added there was events held at the venue prior to the applicant appeared in front of the commission. He added there was some research being done and planning agreed that entertainment was allowed and are writing an opinion to determine the general use to the floor space. He added that staff felt comfortable to move forward and recommended approval.

- e)Chiu, Jonathan, dba "Eight," 1151 Folsom Street, Place of Entertainment

Commissioner Meko moved to approve and strike the conditions from Southern Station and apply the Good Neighbor Policy Commissioner Alan seconded the motion

VOTE:

AYES - Commissioner Meko Commissioner Joseph,

Commission Alan, Commissioner Leong and Commissioner Shlain

NOES - None

ABSBENT Commissioner Lorin

Commissioner Comments and Questions.

Commissioner Pred stated he attended the Health Commission meeting regarding the proposed resolution that would define the need for public safety at temporary mass gatherings. He added he worked very closely with them on the matter and spoke on his behalf as well as the commission in support. He added he wanted to add to the next agenda for the commission to pass a resolution to go to the Board of supervisors mirroring the Health Commission version. He added it was a solid piece of work and considered both the entertainment industry and the need for public safety and the needs of the city.

Chair Joseph asked that it be typed up and presented to the Board of Supervisors

Commissioner Pred stated a suggestion for LSP to have a cell phone available on them before having SFPD involved.

Commissioner Leong stated staff should work more effectively with SFPD in regards to the police department's recommendations and have them give the commission's recommendations that were realistic. He added it was a disservice to the commission and the applicants when they got a set of recommendations and think they had to operate under the provisions and when they came before the commission they did not have to and they could be struck.

Commissioner Alan stated it was a step forward that the Entertainment Commission was receiving conditions from Company B. He added there had been a string of emails in regards to the Hush, Hush Lounge that reserved from 6 months ago that was coming back to the commission and was staff taking action to address the issues.

Jocelyn Kane stated she talked to the applicant about her concerns of short staff of security for one night. She added the applicant was communicating with the neighbors and SFPD.

Commissioner Alan stated on April 4, 2005 at 34 Mason at 6:00 P.M. there would be a first in a series of seminars produced by the arts and music educator dealing with the topic of insurance and the associated risk management for entertainment venues. 6p.m. at his venue there would be a seminar on insurance.

Chair Joseph stated the Tsunami event raised $22,000.00. She added the money was going to care international for the areas that needed it the most.

1. Report from the Executive Committee. (Jordan Shlain, Chair)

Commissioner Shlain stated there was a holiday and would resume to meet on the 28th of February. He added the discussion or 312 has been continued.

2. Report from the Legislative Committee. (Bowman Leong, Chair)

Commissioner Leong stated there was a meeting two weeks ago on the EMS emergency plans for large big scale events.

3. **Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:**

Budget for 2005- 2006. He added he met with Ben Rosenfield and there were a few issues of how the Entertainment Commission would be charged and he would come back to the commission with a report on how the city attorney's office billed the Entertainment Commission. He added the Entertainment Commission would be considered a budget neutral. He added the commission was not an enterprise department, which meant the commission would not be depended on general fund money.

Discussion of agenda items for future Entertainment Commission Meetings.

Lt. Schlotz stated staff should check when tax license fees were due and believed it was by February 28th of the year you received it. She added there was information about BART and they want to issue peddler cart permits.

10. Adjournment. 7:15 P.M.

Entertainment Commission
City and County of San Francisco

KELLY'S MISSION ROCK HEARING CONTINUED

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Notice and Agenda for Meeting **SPECIAL MEETING**
Tuesday, February 22, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

02-17-05P04:05 RCVD

Call to Order and Roll Call.

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Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1) **Hearing on the possible suspension of Permit No. 103954, Place of Entertainment, and Permit #87900, Extended Hours Premises issued to James V. Kelly, dba Kelly's Mission Rock located at 817 China Basin, San Francisco, CA. Commission deliberations may follow.**

2) **Adjournment.**

Special Note: If the hearing is not finished on February 22, 2005 it will continue the following day Wednesday, February 23, 2005 at the same time and location.

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

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Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

March 01, 2005

Notice and Agenda for Meeting

Tuesday, March 1, 2005 at 5:00 P.M.

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Room 406, City Hall

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the Regular Entertainment Commission meeting of February 15, 2005. [Action Item]

2. President's Report.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. [Action Item]

- a)Canupp, Eric, dba The Irish Bank, 10 Mark Lane (between Harlan and Bush), Loudspeaker Permit, Saturday, March 12, 2005, 5PM - 12AM.

- b)Canupp, Eric, dba The Irish Bank, 10 Mark Lane (between Harlan and Bush), Loudspeaker Permit, Thursday March 17, 2005, 5PM - 12AM.

- c)Staggs, Angela, dba Shout Creative, Metreon's "Pocket Park" at Jillian's, 4th Street, Loudspeaker Permit, Wednesday March 9 9PM - 2AM & Thursday March 10 5PM - 2AM.

- d)Bonser, Heidi Rose, dba SOMARTS Cultural Center, 934 Brannan Street, Loudspeaker Permit, Saturday March 5, 2005, 8PM - 4AM.

4. Commissioner Pred's recommendation to the Board of Supervisors to pass a resolution for life safety/EMS plan for specific events and certain venues.

5. Commissioner Comments and Questions.

6. Report from the Executive Committee. (Jordan Shlain, Chair)

7. Report from the Legislative Committee. (Bowman Leong, Chair)

8. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- Budget for 2005- 2006.

9. Discussion of agenda items for future Entertainment Commission Meetings. [Action Item]

10. Adjournment.

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City and County of San Francisco
Entertainment Commission

March 01, 2005

MINUTES OF THE

March 1, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Audrey Joseph, Chair

Terrance Alan

Jim Meko

Joseph Pred

Jordan Shlain

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:10 P.M.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko Jordan Shlain, and Joseph Pred.

Absent at the time of roll call were:

Commissioner Bowman Leong

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT

No public comment.

1. Review and approve minutes of the Regular Entertainment Commission meeting of February 15, 2005.

Commissioner Alan stated there was one correction on Page 5. the second sentence.

Public comment

No public comment.

Commissioner Alan moved to approve the Minutes of February 15, 2005

Commissioner Meko seconded the motion

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commissioner Pred, Commission Alan and

Commissioner Shlain

NOES - None

ABSTAIN - Commissioner Lorin

ABESENT - Commissioner Leong

2. President's Report.

Chair Joseph stated the hearings on the possible suspension of the Place of Entertainment and after hours permit for Kelly's Mission Rock had concluded. She added the commission would meet for the April 5, 2005 meeting to deliberate at the end of the meeting.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

a) Canupp, Eric, dba The Irish Bank, 10 Mark Lane (between Harlan and Bush), Loudspeaker Permit, Saturday, March 12, 2005, 5PM - 12AM.

Jocelyn Kane stated item A and B could be taken together because they were the same. She added the applicant was applying for a loudspeaker permit for a private pre St. Patrick's Day party and on St. Patrick's Day.

Eric Canupp stated they would have some bands and DJ's and Irish dancing that would end at 12 Midnight.

Commissioner Meko asked staff if any neighbors had contacted the office with complaints.

Jocelyn Kane stated they had not.

Commissioner Lorin stated they had issued permits in the past and everything had gone smooth and would make a motion to approve.

Public Comment

No public comment.

Commissioner Lorin moved to conditionally approve item 3 a

Commissioner Shlain seconded the

Motion.

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commissioner Pred, Commission Alan,

Commissioner Shlain, and Commissioner Lorin

NOES - None

ABSENT - Commissioner Leong

b. Canupp, Eric, dba The Irish Bank, 10 Mark Lane (between Harlan and Bush), Loudspeaker Permit, Thursday March 17, 2005, 5PM - 12AM.

Commissioner Lorin moved to

conditionally approve Commissioner Shlain seconded the motion

VOTE:

AYES - Commissioner Meko Commissioner Joseph,

Commission Alan, Commissioner Shlain and Commissioner Lorin

NOES - None

ABSENT - Commissioner Leong,

Public Comment

No public comment.

Staggs, Angela, dba Shout Creative, Metreon's "Pocket Park" at Jillian's, 4th Street, Loudspeaker Permit, Wednesday March 9, 2005 9PM - 2AM & Thursday March 10, 2005

5PM - 2AM.

Jocelyn Kane stated it was a private corporate event associated with the game developers conference. She added the owner of Shout Creative was present to talk about the two-day event. She added staff counseled the applicant's to make sure any residents near by including a nursing home were contacted to let them know the event was happening so they could voice there concerns. She added John Cook from the Meteron met with the property manager of Wolf House. She added the event would have 10B officers slated to be there both days to ensure enforcement of permits and code sections.

Dave Rickenbach a partner of Shout Creative located in Burlingame.

Chair Joseph asked would the applicant be doing in Pocket park and would they have entertainment and music.

Dave Rickenbach stated they would have a game development conference. He added they would have entertainment and music inside the event. He added there would be DJ station music outside the venue. He added

Chair Joseph asked what type of speaker sound system they would have outside.

Dave Rickenbach stated he did not have the actual specifications of the speakers but had specified it was a 100-watt stereo system a relatively small system. He added they anticipated operating at 75 DB.

Chair Joseph asked would they have base bins.

Mr. Rickenbach stated there could very likely be base bins

Chair Joseph asked where the nursing home was in relation to Pocket Park and where were the speakers facing.

Dave Rickenbach stated the nursing home was diagonally across the corner and the speakers would be facing the nursing home. He added they had built a fabric structure sound barrier.

Chair Joseph asked why he chose his configuration instead of switching it.

Dave Rickenbach stated audio was one consideration of many in making sure the event flowed properly. He added they had egress and entrance issues and wanted to have a safe environment. He added they needed to continue to have a safe flow of people coming in and out.

Commissioner Meko stated TODCO a major non-profit housing developer in the area has their offices directly across the street from their event and a building full of 100 seniors. He added the prevailing law the Entertainment Commission was concerned

with is the sound is not to be audible in any surrounding residents. He added if it was approved it would be a serious test case for any further events that came before the commission and stated it would behoove them to turn the speakers the other way.

Dave Rickenbach stated they did outreach and spoke to the director and he would take it to hart because they want to have future events there and want event to go smoothly.

Commissioner Alan asked if staff had an opportunity to discuss with Officer Rose Meyer the legal basis for the restriction of 8C.

Jocelyn Kane stated they did not because the restriction came in today.

Commissioner Alan asked Captain O'Neil to explain the restriction and what were the legal underpinnings for the restriction under 8C for Thursday, March 19, 2005.

Captain O'Neil with SFPD stated he did not have an opportunity to discuss it with Officer Rose Meyer's or Captain O'Leary the commanding officer.

Commissioner Alan stated his understanding was that individuals who entered the exterior space would not be allowed to enter Jillian's from the common doorway leading from the exterior Pocket Park space being utilized for their event and Jillian's interior space they would have to outside and then back in and what was the legal underpinning for that exercise and why it appeared on Thursday and not on Wednesday.

Captain O'Neil stated there was no law regarding it and it was a recommendation stipulation the station made. He added there was no legal requirement but was a recommendation to maintain control.

Chair Joseph stated Jillian's attached their liquor license and catering permits stated they were not allowed to cater a event in the same place more than 12 times a year or once a month. She added they were catering it for one day and hiring an outside caterer to cater it the second day within the same month. She added the problem was they were not allowed to mix alcohol licenses. She added the only way people were able to go in and out if Jillian's surrendered their license for that day and if the caterer catered the entire event then people could go back and forth.

Commission Alan asked if they surrendered their beverage before they crossed the

threshold would they be allowed to go from the outside to the inside.

Chair Joseph stated they could.

Commission Lorin recommended they disregard all of the conditions.

Chair Joseph stated No. 3 stated amplified sound in the form of recorded music not presented or played by a DJ. She added No. 3 under Wednesday, March 9, 2005 should be struck. She added No.6 on Thursday March 10, 2005 be struck.

Commission Lorin recommended they disregard all of the conditions

Commissioner Alan weighed in favor of Commissioner Lorin's notion to strike them.

Commissioner Meko offered the friendly amendment to attach the Good Neighbor Policy.

Commissioner Lorin accepted the friendly amendment.

Public Comment

No public comment.

Commissioner Lorin moved to

conditionally approve striking the

recommendations from Company B and

adding the Entertainment Commission's

Good Neighbor policy Commissioner

Pred seconded the motion

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commissioner Lorin, Commission Alan, Commissioner Pred and Commissioner Shlain

ABSENT - Commissioner Leong

NOES - None

Bonser, Heidi Rose, dba SOMARTS Cultural Center, 934 Brannan Street, Loudspeaker Permit, Saturday March 5, 2005, 8PM - 4AM.

Bob Davis stated the event was to raise money for a cancer victim. He added the application came in late applicant had been cooperative responsible. He added they sent a letter to the neighbors notifying them of the event. He added the staff's initial thoughts were they would not make a recommendation because staff had not gotten the letter to make a determination there was an outreach to the neighbors. He added Company B's response was it was insufficient time for an investigation, however the applicant had some comments and recommendations. He added the fire department agreed to send two Fire Marshall's. He added there had been events held at SOMARTS in the past that had been held outdoors.

Commissioner Pred stated while the event had some affiliation with the Burning Man community it was not being run by the Burning Man organization and he was not directly involved with the event nor with SOMARTS and for the record he did not have a conflict of interest. He added it was a fundraiser for a very good cause and supported the event. He added he agreed

that he agreed with Commissioner Lorin's recommendation to strike company B recommendations.

Heidi Rose stated officer Meyer informed her that she needed to get a different type of license.

Chair Joseph stated they could

Commissioner Meko stated if they extend the loudspeaker beyond 10:00 P.M. it should be noted the Good Neighbor Policy should be added.

Commissioner Lorin asked in the last year and half had there been any complaints from SOMARTS from Bryant Street.

Bob Davis stated they had not had any complaints.

Commissioner Pred stated from his professional experience from working with SOMARTS events in the past his personal knowledge he hadn't heard of complaints for their late night events.

Public Comment

Mark Rennie stated Chair Joseph was almost correct, Rose Meyer was correct in this case. He added a non-profit liquor license allowed you to have one night permit that was open to the public. He added catering licenses a type 51 only allowed you to cater a private event that was 24 times a year. He added technically you could not have a public event on a catered liquor license.

Chair **Joseph** stated there were four exceptions to the rule that she had them written down.

John Wood with *San Francisco Late Night Coalition* stated he had been involved in the past when he worked events at SOMARTS there had not been problems with loud events that were noise complaints came from 7th Street but not from the building. He added that he had been involved with over 10 events and there had never been any complaints. He added he had permits that went until 7:00 A.M. outdoors.

Public comment closed.

Commissioner Pred moved to

Approve with all striking Company B's

recommendation and adding the

Entertainment Commission's Good

Neighbor Policy Commissioner Meko

seconded the motion.

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commission Alan Commissioner Pred, Commissioner Shlain and Commissioner Lorin

NOES - None

Absent - Commissioner Leong

Chair Joseph stated they would skip item No. 4 and go onto item No. 5.

5. Commissioner Comments and Questions.

Commissioner Meko stated it had been three or four months since the Entertainment Commission granted a place of entertainment permit to Café Flore. He added the applicant wanted their permit so they could feature light string music. He added what was the role acid lounge DJ's played in light string music. He added applicants were still feeling the need to frame their applications in the most favorable light by promising the music will be light jazz combo. He added when the forms are revised to shy away from the blanks that tend to push the applicant to sway their real intentions to get their applications through and concentrate on them containing their sound systems.

Commissioner Lorin stated he hasn't seen the city hall permits on the agenda. He added he would like to see agenized a review of the disciplinary hearing after its completed so the commission could debrief publicly what the commission thought went right and what went wrong and what the commission could improve in the future.

Chair Joseph stated in the future the commission should have hearing officers for special hearings.

Bob Davis stated item No. 4 should have not been added to the agenda because it was already approved

6. Report from the Executive Committee. (Jordan Shlain, Chair)

There Executive Committee meeting was

cancelled.

7. **Report from the Legislative Committee. (Bowman Leong, Chair)**

The Legislative committee did not meet. nothing to report.

Chair Joseph asked Bob to include in the report the status of City Hall permits.

8. **Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:**

Bob Davis stated the Sunshine and Ethics training will be on Monday, March 7, 2005 from 5:30 - 8:30 P.M. He added staff would be addressing complaints this week.

9. **Discussion of agenda items for future**

   Entertainment Commission Meetings.

Commissioner Lorin stated the second meeting in April to add to the agenda a debriefing and review of the special hearing process.

Commissioner Alan stated the debriefing should

occur after the appeal time so the debriefing

would not trigger an appeal.

10. Adjournment. 6:15 P.M.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, March 15, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

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Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the Regular Entertainment Commission meeting of March 1, 2005. **[Action Item]**

2. **President's Report.** Discussion and possible action of changes in committee assignments. **[Action Item]**

3. Discussion and possible action to establish procedures for the timing of hearings that also require some action by the Planning Commission. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Neeraj, Gore, et. al., dba "Element," 1028 Geary, Extended Hours Premises.**

b) **Valdez, Francesca, dba "Broadway Studios," 435 Broadway, Extended Hours Premises.**

c) **Staggs, Angie, dba "Shout Creative" Metreon" 101 4th Street, Loud Speaker Permit/Itinerant Show from 7:00 P.M. to 2:00 A.M., Wednesday, March 23, 2005 and Thursday, March 24, 2005.**

5. **Commissioner Comments and Questions.**

6. **Report from the Executive Committee.** (Jordan Shlain, Chair)

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA 94102
(415) 554-5678 ■ 415 554-5793

Update on Executive Committee meeting held March 7, 2005, on the following items:

- Discussion of 312 notification procedures and conditional uses in Neighborhood Commercial Districts.
- Discussion of "check Boxes" on forms to enable standardization.
- Discussion of physical location of permits in a venue.
- Discussion of hearing procedures that should be adopted by the full commission.

7. **Report from the Legislative Committee.** (Bowman Leong, Chair)

   Update on Legislative Committee meeting held March 7, 2005, on the following items:

   - Discussion on Legislation for AED (Automatic External Defibrillator) requirement for POE license holders at venues.

8. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

   - Castro legislation update.
   - Status reports on problem place of entertainment venues.

9. Discussion of agenda items for future Entertainment Commission Meetings. [**Action Item**]

10. Adjournment.

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City and County of San Francisco
Entertainment Commission

March 15, 2005

ENTERTAINMENT COMMISSION

City and County of San Francisco

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MINUTES OF THE

March 15, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

COMMISSIONERS

Present

Jim Meko, Co Chair

Terrance Alan

Joseph Pred

Bruce Lorin

Bowman Leong

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:10 P.M.

ROLL CALL

Jocelyn Kane called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko and Joseph Pred, Bruce Lorin and Bowman Leong.

Absent at the time of roll call were:

Commissioner Shlain and Commissioner Joseph.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

Chair Meko entertained a motion the commission would adjourn the meeting in memory of Audrey Joseph's mother Dorothy Lefkowitz who recently passed away.

Commissioner Alan moved to approve adjourning the meeting in memory of Dorothy Lefkowitz Commissioner Pred second the motion

VOTE:

AYES - Commissioner Meko Commissioner Leong

Commissioner Pred, Commission Alan and Commissioner Lorin

NOES - None

ABESENT - Commissioner Shlain and Commissioner Joseph

1. Review and approve minutes of the Regular Entertainment Commission meeting of March 1, 2005.

Public comment

No public comment.

Commissioner Alan moved to approve the

Minutes of March 1, 2005

Commissioner Meko seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin Commissioner Pred, Commission Alan

NOES - None

ABSTAIN - Commissioner Leong

ABESENT - Commissioner Shlain and Commissioner Joseph

- President's Report.

Chair Meko stated the city attorney forwarded Sec. 1060 to staff and under section F. the City of San Francisco; City Hall was not required to have a Place of Entertainment Permit.

Jocelyn Kane stated they missed public comment.

Public Comment

No public comment.

- Discussion and possible action to establish procedures for the timing of hearings that also require some action by the Planning Commission.

Chair Meko stated it was duplicative with item in the Executive Committee report and he would post-pone item three until after the report from the Executive Committee.

- Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

- Neeraj, Gore, et. al., dba "Element," 1028 Geary, Extended Hours Premises.

Jocelyn Kane stated the applicant was applying for extended hours premises for the Element. She added the place of entertainment was presented to the commission back in January of 2004 at which time the applied for both permits then decided to withdrawal their extended hours to give themselves some time to operate. She added Planning stated it was a permitted use and officer Gallagher sent his recommendation for approval until 3:00 A.M. She added the *Lower Polk Neighbors Association* had submitted a letter to the commission that they were in support with additional conditions. She added she did not know if the conditions had been discussed with the attorney and the applicant. She added staff recommended conditional approval.

Mr. Eric Whittaker stated he resides in Orinda California and represented the applicant of Element of 1028 Geary Street.

Chair Meko asked if Mr. Whittaker was familiar with the conditions that were sent in by the *Lower Polk Neighbors Association* and the 3:00 A.M. recommendation from the Police Department.

Mr. Whittaker stated he was fine with the conditions and the recommendation from the police department.

Commissioner Alan asked the applicant the one hour they were asking for were they intending to provide beverage or food service.

Mr. Whitaker stated they would provide water available but no alcoholic beverages and it was a 48 license so they did not sale food.

Commissioner Lorin stated it was not proper to incorporate all the suggestions from the *Lower Polk Neighbors Association* and the commission should deal with only what was truly germane. He added

Mr. Whittaker stated he was not aware the commission would conditionally grant the permit. He added they had all their inspections done in November for the place of entertainment permit.

Commissioner Lorin stated they would have to go to all the inspections again.

Bob Davis stated it would be at the discretion of the Building Department he added normally they did not and could not speak for the Building Department.

Mr. Whittaker stated each time they had an inspection done they had to pay fee sometimes as much as $200.00 dollars for someone to come in from the government and do the exact same inspection that they did roughly four or five months ago. He added it was like they were being doubled taxed.

Chair Meko stated it would have been a good idea if the applicant had applied for both permits at the same time.

Chair Meko stated the neighbors were lead to believe the establishment was accepting the conditions and now the commission was removing them and what did they say to the neighbors.

Commissioner Lorin stated it should between the neighbors and the applicant and not the commission.

Commissioner Pred stated agreed with Commissioner Lorin and it was not germane with scope of authority. He added if the applicant made an agreement between the neighborhood group and the business it should be between them to uphold that agreement.

Commissioner Alan stated it might be inappropriate and perhaps it skirted on illegal for the commission to condition a after hours permit on the joining of a neighborhood group. He added it was too far out of the commission's jurisdiction to control the elements for those particular items to appear on their permit conditions.

Commissioner Leong stated the commission could adopt the provisions and make no reference to the letter and add them into the permit.

Commissioner Lorin stated he would not accept it as a friendly amendment.

Commissioner Alan stated he had concerns about including a statement about construction was the applicant already reluctantly agreed they were going to have the Building and Electrical Department's to come out and re-inspect and there would be on-going construction and the departments would not sign off until the work was complete. He added the clearer and the more concise the permit conditions were the easier it would be for law enforcement to interact with management at a time of crisis at a venue.

Chair Meko stated the only neighborhood condition that appeared relevant was condition No. 2 when they stayed open until 3:00 A.M. to have security staff was to remain on sight until 3:30 A.M. He added it was adequately covered by the good neighbor policy.

Commissioner Lorin moved to

conditionally approve with the stipulation

they only be open Saturday and Sunday

morning until 3:00 A.M.Commissioner

Alan seconded the Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin Commissioner Pred, Commission Alan and Commissioner Leong

NOES - None

ABESENT - Commissioner Shlain and Commissioner Joseph

b) Valdez, Francesca, dba "Broadway Studios," 435 Broadway, Extended Hours Premises.

Jocelyn Kane stated the application was submitted and hit a conditional use authorization snag. She added staff's recommendation was to continue the item and the applicant had been counseled on what it meant and what she needed to do to move forward.

Public Comment

No public comment.

Commissioner Lorin moved to

Continue item B to the call of the chair

Commissioner Alan seconded the Motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin Commissioner Pred, Commission Alan and Commissioner Leong

NOES - None

ABESENT - Commissioner Shlain and Commissioner Joseph

c) Staggs, Angie, dba "Shout Creative" Metreon" 101 4th Street, Loud Speaker Permit from 7:00 P.M. to 2:00 A.M., Wednesday, March 23, 2005 and Thursday, March 24, 2005.

Bob Davis stated the application was submitted on March 10, 2005 to amplify sound along the line that would go down 4th street the south side of the Metreon theatre. He added it was to launch a new sonly play station portable device. He added the applicant would be using small speakers on stands to make announcements to the attendances standing in line and will assist customers and keep them up-to-date on what went on simultaneously in a number of other cities were the item would be marketed. He added they would have 10B officers at the event monitoring the crowd for noise and amplification. He added they would have a screen to broadcast what was going on at some of the other cities. He added staff asked the applicant's to contact the Marriott Hotel to make sure there were no problems with the visual aspect of the screen. He added staff recommended approval.

Commissioner Meko asked if staff got any feedback from Southern station.

Bob Davis stated staff had not. He added the applicant's have been in touch with Southern station and they approved the 10B officers.

Ms. Angie Staggs resides in San Francisco and represents Shout Creative, Inc. She added Mr. Davis did a good job of explaining what they were trying to do and had nothing to add.

Public Comment

No public comment.

Commissioner Alan moved to

approve item No. C Commissioner Lorin

seconded the Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Pred, Commission Alan, Commissioner Leong and Commissioner Lorin

NOES - None

ABSENT - Commissioner Shlain and Commissioner Joseph

- Commissioner Comments and Questions.

Commissioner Leong stated he attended the Gamers Development Conference at Moscone West on March 8, 2005. He added was a great convention and stated the city benefited from the event. He added he heard towards the end of the event they would move to San Jose next year. He added San Jose was desperate for business and were trying to cut deals. He added he planned to meet independently with someone from Moscone to see what he could do. He added he would report back to the commission on his findings. He added it would be a great loss to the city of San Francisco if the Gamers Development Conference went to San Jose instead of San Francisco.

Commissioner Pred stated he was at Mac World and in addition to the Convention and Visitors Bureau there was an organization called the Convention Expo Traveler a San Francisco non-profit promotional magazine. He added they worked hand and hand with the Convention and Visitors Bureau and thought there was an opportunity for some liaison with them. He added staff emailed a link to the commissioners on an article published in Special Events Magazine and thought it should be linked to the Entertainment Commission website to show compliance and as a resources guide for staff. He added requested the item to be added to the Executive Committee agenda.

- Report from the Executive Committee. (Jordan Shlain, Chair)

Commissioner Shlain was absent no report was given.

Bob Davis stated in there was a memo sent out in reference to 312 notification the March 15, 2005 agenda that described who was at the meeting. He added the discussions that took place at the meeting on a commission level was for them to make a determination as to weather or not there was reason to continue items that came before the Planning Department that required conditional use or a 312 hearing he added it was the second of two meetings. He added the second meeting included city attorney's from planning and the permit of appeals. He added when the commission conditionally granted a permit the person who was the appellant had 10 days to file before the board of permit appeals from the time the Entertainment Commission grants the permit. He added all the other departments that were under the preview of the Board of Appeals were 15 days. He added they agreed to have a process for a leaner appeal process so the appellant and the applicant would both have fair opportunities.

Public Comment

No public comment.

Commissioner Leong continued the item to the call of the chair Commissioner Pred

VOTE:

AYES - Commissioner Meko, Commissioner Pred and Commissioner Leong

NOES - Commissioner Lorin and Commission Alan

ABSENT - Commissioner Shlain and Commissioner Joseph

- Report from the Legislative Committee. (Bowman Leong, Chair)

Commissioner Leong stated the Legislative Committee met on March 4, 2005 and the primary focus was on the discussion on legislation regarding Automatic External Defibrillator being required at major events with POE license holders. He added Commissioner Pred gave a brief background process to date. He added staff was working on trying to determine what is a major event.

Commission Pred stated the large event requirements for Automatic External Defibrillator were outlined in the new ISCOTT legislation that was pending. He added it would be in alignment with the policy done by Dr. Brown.

Commissioner Alan stated one of the Legislative Committee hinge issues on the discussion of requiring AED at license venues was to find an occupancy trigger point that was logical.

Commissioner Pred stated they were holding off on making a determination on the questions because they did not have a report from the Fire Department on occupancy. He added one of consideration was public safety and the other was financial impact. He added the goal was to have anything below the trigger point to have a recommendation for clubs to do it as public good measure. He added one of the numbers were venues with 400 capacity.

Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- Bob Davis stated the Castro legislation passed through the Planning Department with the caveat the sunrise sunset window of one year be reduced to 6 months. He added the Small Business Commission, Planning and the Entertainment Commission had approved the legislation and Supervisor Dufty will take it back to the Board of Supervisors in April for final approval.

- Bob Davis stated staff has instituted a program to begin notifying individual venue owners when the legislation is passed to get the word out.

- Bob Davis stated staff started a board and complaint files on all of the problem entertainment venues that staff is receiving complaints continue. He added they were working with the different district city attorney's and police, fire and building departments.

Commissioner Alan stated the Entertainment Commission had not had many opportunities to seek the press and should call a press conference when the Castro legislation is signed to raise public awareness for the Entertainment Commission and the 6-month window.

9. Discussion of agenda items for future Meetings. Entertainment Commission

There was nothing to add to the agenda.

Chair Meko adjourned the meeting in memory of Chair Audrey Joseph's mother Dorothy Lefkowitz.

10. Adjournment. 6:00 P.M.

Respectfully Submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, April 5, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the Regular Entertainment Commission meeting of March 15, 2005. **[Action Item]**

2. President's Report Discussion and possible action on changes and committee assignments. **[Action Item]**

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Lutz, Chuck, dba "Rita Barela Productions/SF MOMA," Natoma Street at MOMA and Minna bet. 3rd Street and New Montgomery, Loudspeaker Permit, Wednesday, May 4, 2005, 10AM to 12:15AM.**

b) **Nardone, Joey, dba "Loews Theatres Metreon," 101 4th Street, 3rd Floor, Place of Entertainment/Mechanical Amusement Devices.**

c) **Awadalla, Nizar, dba "Nizario's Pizza #2, 4077 18th Street, Extended Hours Premises.**

d) **Tabora, Rex, dba "Zebulon," 83 Natoma Street, Place of Entertainment.**

e) **Elabed, Sami, et. al, dba "Le Duplex," 1525 Mission Street, Place of Entertainment.**

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4. Commissioner Comments and Questions.

5. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

   - Castro legislation update.
   - Status reports on problem place of entertainment venues.

9. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

10. Deliberations with regard to the Hearing and possible suspensions of permit No. 103954, Place of Entertainment, and permit No. 87900, Extended hours Premises issued to Kelly's Mission Rock located at 817 China Basin, San Francisco, CA.

11. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, April 5, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

AMENDED

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1. Review and approve minutes of the Regular Entertainment Commission meeting of March 15, 2005. **[Action Item]**

2. President's Report Discussion and possible action on changes and committee assignments. **[Action Item]**

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Lutz, Chuck, dba "Rita Barela Productions/SF MOMA," Natoma Street at MOMA and Minna bet. 3rd Street and New Montgomery, Loudspeaker Permit, Wednesday, May 4, 2005, 10AM to 12:15AM.**

b) **Nardone, Joey, dba "Loews Theatres Metreon," 101 4th Street, 3rd Floor, Place of Entertainment/Mechanical Amusement Devices.**

c) **Awadalla, Nizar, dba "Nizario's Pizza #2, 4077 18th Street, Extended Hours Premises.**

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4. Resolution and support of Black Rock Arts Fire Festival 2005, presented by Commissioner Alan. **[Action Item]**

5. Commissioner Comments and Questions

6. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

   - Castro legislation update.
   - Status reports on problem place of entertainment venues.

9. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

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WRITTEN COMMENTS

City and County of San Francisco
Entertainment Commission

April 05, 2005

MINUTES OF THE

April 5, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Audrey Joseph, Chair

Jim Meko,

Terrance Alan

Joseph Pred

Jordan Shlain

Bruce Lorin

Bowman Leong

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

Chair Joseph called the meeting to order at 5:05 P.M.

ROLL CALL

Jocelyn Kane called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko and Joseph Pred, Audrey Joseph, Jordan Shlain, Bruce Lorin and Bowman Leong.

Absent at the time of roll call were:

Commissioner Shlain and Commissioner

Meko.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT

Barry Toronto stated a lot of clubs handled traffic, pickup and drop off's in front of their establishment very well. He added Ruby Skye did a good job with drop-off and pick-up. He added Club 181 on Eddy Street needed to eliminate parking in front of the club during their events. He added did a bad job and there was double-parking on Friday and Saturday nights. He added that he wanted the commission to look at the license or amend it and require a white-zone to allow pickup and drop off to prevent the double parking.

Public comment closed.

1. Review and approve minutes of the Regular Entertainment Commission meeting of March 15, 2005.

Commissioner Meko arrived at 5:10 P.M.

Public comment

No public comment.

Commissioner Pred stated he had some minor corrections.

Commissioner Alan moved to approve the

Minutes of March 15, 2005

Commissioner Meko seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin Commissioner Pred, Commission Alan Commissioner Leong

NOES - None

ABESENT - Commissioner Shlain

ABSTAIN - Commissioner Joseph

2. President's Report.

Chair Joseph thanked the commission for their condolences. She added she would be making a change to the legislative committee and would withdraw herself and member of the legislative committee and nominated Commissioner Alan legislative Committee.

Commissioner Alan accepted the nomination.

- Lutz, Chuck, dba "Rita Barela Productions/SF MOMA," Natoma Street at MOMA and Minna bet. 3rd Street and New Montgomery, Loudspeaker Permit, Wednesday, May 4, 2005, 10AM to 12:15AM.

Mr. Chuck Lutz stated he represented the Museum of Modern Art and worked for Rita Barela Productions. He added the sound people would set up as early as 10:00 A.M. to do sound checks. He added the show began inside the museum at 6:30 P.M. He added they notified people in the neighborhood of their event. He added it included a street closure and live entertainment.

Commissioner Meko asked were there any inputs from Southern station.

Jocelyn Kane stated there was not.

Mr. Lutz stated he spoke with officer Rose Meyer in the morning and she was aware of what they were doing.

Public Comment

No public comment.

Commissioner Meko moved to

conditionally approve Commissioner

Leong seconded the Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin Commissioner Pred, Commission Alan Commissioner Leong, Commissioner Joseph

NOES - None

ABESENT - Commissioner Shlain

- Nardone, Joey, dba "Loews Theatres Metreon," 101 4th Street, 3rd Floor, Place of Entertainment/Mechanical Amusement Devices.

Joey Nardone stated he was the manager director of Lowes Theatre at the Metreon. He added they have been open for 5 years and nine and a half months and was present to apply for the POE and Mechanical Amusement Device permits.

Jocelyn Kane stated the management of the Metreon was present not too long ago to do some housekeeping on their permits that were issued some time ago one per floor. She added it was determined that the Metreon could collapse a couple of their permits and abandon their third floor permit to their lessee tenant Lowes Corporation. She added the assumption was the entertainment permit needed to be sustained at the Metreon and changed over to Lowes Corporation. She added it was staff's impression that events took place in the theatre that would require a place of entertainment permit in addition to the fact that there was one on-going in the beginning of the Metreon. She added after consultation with the City Attorney's office Southern station's read on mechanical amusement devices was incorrect in that the number of devices qualified them as a arcade as long as the Metreon was running security under the police code requirements the could be issued mechanical amusement devices regardless of their square footage.

Joey Nardone stated he had security during the every operating minute they were open and patrolled the m on a consistent basis.

Bob Davis stated the discrepancy was what consisted an arcade and what constituted a movie. He added they could have separate businesses within the same envelope. He added the City Attorney was comfortable with staff's recommendation.

Commissioner Meko stated he was unclear and asked was the applicant applying for a place of entertainment permit.

Jocelyn Kane stated they had also applied for a place of Entertainment if the commission did not see fit to grant them the Place of Entertainment permit based on their understanding of what the applicant would be doing it would be up top the commission.

Commissioner Shlain arrived at 5:19 P.M.

Chair Joseph asked if the possibility exist that somewhere outside the doors of the theater's and in the lobby of the third floor they might at some point do some entertainment.

Mr. Nardone stated the possibility to do entertainment did exist.

Commissioner Alan stated the Place of Entertainment Permit was not required for a movie theatre and it did not allow any other form of entertainment other than the projection of movies. He added it was a technical question as to whether or not the potential might exist at some time during the Metreon's operation they might have some activity that could be construed as entertainment.

Public Comment

No Public comment.

Commissioner Alan moved to approve without the restrictions

Commissioner Leong second the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin Commissioner PredCommissioner Joseph Commission Alan Commissioner Leon and Commissioner Shlain

NOES - None

- Awadalla, Nizar, dba "Nizario's Pizza #2, 4077 18th Street, Extended Hours Premises.

Jocelyn Kane stated the applicant was not present and were in the Castro NCD and was required to go through conditional use.

Public Comment

Barry Taranto stated he did not understand the process of continuing an item He added Nizario's Pizza was the busiest area seven days a week and allowed people to soak up their alcohol. He added it also allowed for easier disbursing of crowds. He encouraged the commission to expedite it as soon as possible.

Public comment closed.

Commissioner Lorin moved to continue

the item Commissioner Alan seconded

the motion

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commissioner Lorin Commissioner Pred

Commission Alan Commissioner Leon and Commissioner Shlain

NOES - None

- Tabora, Rex, dba "Zebulon," 83 Natoma Street, Place of Entertainment.

Mr. Rex Tabora stated he represented Zebulon and was applying for a Place of Entertainment permit. He added he was aware there were a couple of letters sent out by the neighbors. He added they resolved the existing problem with the

neighbors and as of the afternoon they had been resolved. He added the current owner of Zebulon was present and had been in communication with Mr. Bittle a representative of the neighbor group. He added the neighbors decided not pursue the restriction.

Chair Joseph asked how Mr. Tabora resolved the issues with the neighbors.

Mr. Alvarez stated he was the former owner of Zebulon. He added they had no previous complaints from the neighbors and the same limitations would be passed over to the new license. He added they agreed with it and thought it was sufficient. He added they had no problems in the past.

Commissioner Alan asked staff if there was a copy of the pre existing permit.

Jocelyn Kane stated she didn't know if she did and was not aware of the agreement until now.

Commissioner Lorin asked if the applicant had a copy of the old permit.

Mr. Rex Tabora stated he did not. He added it was a restaurant bar and not just a bar. He added the old permit stated there was to be no vibration and the current owner had eliminated the base and they were only operating on two speakers. He added it was how they were able to mitigate the problem.

Commissioner Lorin asked if they passed all other inspections.

Jocelyn Kane stated they had not passed all their inspections and they needed fire and noise abatement and building inspections pending.

Chair Joseph stated the three letters of protest were identical.

Commissioner Leong asked was the concern of the homeowners association that the nature of the business would change with the new operations.

Mr. Rex Tabora stated he could only speculate the concern was the type of music that would be played. He added the current owner did not play hip-hop and planned to continue with that policy.

Commissioner Meko stated he saw nothing wrong with the fact that the three letters and were identical. He added in the case of many venues that Mr. Rennie represented they've often received as many as fifty identical letters from patrons supporting a bar. He added he was curious to know if there was any written communication to support the contingent that the neighbors were now ok with it. He asked the chair to return to the practice the commission had been observing for months of beginning each of the applications with a summary from staff of all the issues.

Mr. Rex Tabora stated he did not currently have a letter from the neighbors because they spoke today previously by phone today.

Commissioner Meko stated how was the commission to know that they withdrew their conditions.

Mr. Rex Tabora stated by not showing up for today's hearing.

Chair Joseph stated from personal knowledge the letters were from the managers and they were not residents.

Commissioner Alan offered a compromise in that staff informed the commission there would be a slight delay in receiving the final approvals and he would incline to continue the item to give an opportunity for the commission to come back to the issue with the previous permit and a opportunity for staff to receive some confirmation of the settlement agreement so when the commission deliberated they could in fact do so objectively and honor all the parties.

Commissioner Pred stated the first items were part of the Good Neighbor Policy in spirit and therefore were moot. He added it was only the days of operation that would be germane to the conversation.

Commissioner Meko stated that was correct and didn't want to give the appearance n that the commission was rolling residents without due process. He added he

supported the comments Commissioner Alan made.

Commissioner Lorin stated he agreed with Commissioner Alan, he added but not for the same reasons. He added just because they had letters from the homeowner associations and restrictions from the police department did not mean the commission could not go ahead and approve the application. He added it depended on the type of violations an establishment created.

Public Comment

No public Comment

Commissioner Alan moved to continue

Item to the next hearing Commissioner

Lorin seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin Commission Alan Commissioner Leong and Commissioner Shlain

NOES - Commissioner Joseph and Commissioner Pred

- Elabed, Sami, et. al, dba "Le Duplex," 1525 Mission Street, Place of Entertainment

Jocelyn Kane stated the applicant's applied in late February to take over the old loading dock on Mission Street and put in bar lounge. She added the application had approvals from planning and Southern Station's recommendation. She added there was no letters of protest.

Elabed Sami stated he was present to represent Le Duplex for a place of entertainment.

Commissioner Alan asked had the applicant had an opportunity to review southern station recommendations. He added condition number 2 indicated that

entertainment and dancing be allowed from 6:00 P.M. until 2:00 A.M. seven days a week. He added and it would preclude the applicant if he chose to do an afternoon dance. He asked the applicant to comment on the restriction.

Mr. Sami Elabed stated he did review the conditions. He added the dancing would start later than 6:00 P.M. He added there were only be happy hour for two to three hours.

Jocelyn Kane stated on the application it suggested that 6:00 P.M. would be the start time.

Chair Joseph asked the occupancy load of the building.

Mr. Elabed stated the occupancy load was 49.

Commissioner Meko asked if the applicant was getting a type 47 or 48 license. He added to strike Southern station conditions and apply the Good Neighbor Policy.

Mr. Elabed stated he was getting a type 48 license.

Commissioner Shlain stated if the applicant agreed and adopted the conditions as is was the applicant could not go back and change their mind and if they wanted to cover the basis now and have the opportunity to do it later they should speak up now the commission could address it today.

Mr. Elabed stated if it could avoid them coming back they would change their mind He would rather do it now.

Commissioner Lorin stated the permit the applicant was applying for would allow them entertainment from 6:00 A.M. to 2:00 A.M. He added if the applicant agreed to the restrictions and two years down the road economic changed and they decided they should go all day and they were forbidden o have entertainment at 12 noon.

Commissioner Shlain stated the commission was in favor for them not having to come back to the commission.

Jocelyn Kane stated she did council the applicant's about what the commission was addressing.

Chair Joseph stated because officer Meyer did not attend the meeting and did not have the benefit of the commission's wisdom and therefore continues to suggest things that were not necessarily in the keeping of what the permits allowed.

Commissioner Meko encouraged the applicant's to restrict themselves in any which way they would like. He moved to strike the conditions recommended by southern station and grant the permit with the usual conditions.

Commissioner Shlain asked staff when they advised

Bob Davis stated staff could not do any thing other than advise the applicant. He added it was their business plan and their application. He added applicants were told to allow themselves flexibility. He added it would be a mistake for the commission to tell applicants what to put on their application.

Commissioner Alan stated it was the mandate of the commission to provide the city of county of San Francisco the most flexible of entertainment venues 24/7 and it was the responsibility of the commission to look forward to the experience that each commissioner brought to their job to mitigate potential impacts from that activity. He added he would concur the conditions of southern station should be struck and the sage wisdom of the commissioners should prevail.

<u>Public Comment</u>

No public comment

Commissioner Alan moved to approve

Commissioner Lorin seconded the motion

VOTE:

AYES Commissioner Meko, Commissioner Joseph, Commissioner Lorin, Commissioner Pred

Commission Alan, Commissioner Leon and Commissioner Shlain

NOES - None

Resolution and support of Black Rock Arts Fire Festival 2005, presented by Commissioner Alan.

Commissioner Pred stated Black Rock Art Fire Festival was not actually thrown by the non-profit it was being thrown by Burning Man itself and therefore had a conflict of interest and asked to recuse himself from the action item.

Commissioner Alan stated it had always been the intention of the Entertainment Commission to foster a welcoming environment for all types of entertainment and for the commission to preside over ways in which they could not only promote entertainment but also make sure it occurred safely. He added he attended last year at the invitation of Steven Raspa the festival that was held in Oakland and asked why the event and asked Mr. Raspa why the event was not held in San Francisco. He added his response was that it was not possible that San Francisco bureaucracy was not welcoming. He added it was his personal mission to bring the Burning Man community and Black Rock Arts Festival back home to where they had their roots and where they began and for San Francisco to embrace the art form and to find whatever ways were necessary to make sure the impacts generated were mitigated and the art form could continue to move forward in a safe fashion. He added the purpose of the resolution was to began a process by which the commission the garner support within the various bureaucracies of the city and county of San Francisco to find open doors and find sponsorship and support for the festival. He added the event was completely sponsored by the city of Oakland and added San Francisco could learn a lot from that attitude.

Chair Joseph asked if Commissioner Alan had wording for the resolution.

Commissioner Alan stated "*The Entertainment Commission be resolved to support the Black Rock Arts Fire Festival 2005 in the location and procurement of venue and the guidance in the appropriate permitting and safety concerns around the event.*"

Public Comment

Steven Raspa stated he would like to do the event in a way the entire city of San Francisco could be proud and to support the artists and provide a safe and public form to share their art medium with a larger public. He added many of the artists only got to show their work out in the Black Rock Dessert as part of The Burning Man Arts

Festival. He added the fire art was a unique art form that required certain safety needs and requirements. He added they were trying to address it in a way that everyone enjoyed the event and with support of the city and the arts community. He added last year the city of Oakland supported the event and waived the fire fees. He added there were new permitting laws that made it more expensive to get legal permits for fire artist. He added there was more of a need to present a safe public forum for the arts discipline that is celebrated in other parts of the world and states and would appreciate and help the commission could give in finding an appropriate venue. He added they would like to do it every year and on an annual basis.

Commissioner Meko asked if he wrote the cover letter that made reference to the applicant in having a good working relation with the Bayview police and the Dog Patch Neighborhood Association.

Mr. Steven Raspa stated he did write the letter was a member of the Dog Patch Neighborhood Association and attended the meetings. He added they have a good working relationship with them.

John Wood with San Francisco Late Night Coalition fully supported the event coming back to San Francisco. He added it was one of the purposes the commission was created to do. He added he had heard a lot of problems about fire performance and permitting issues around it. He added it was a right topic for community discussion and permitting reform the commission could help lead.

Mark Rennie stated he attended the Black Rock Fire Festival event in Oakland. He added he was amazed how many people that attended were from San Francisco who were building arts sculptures, doing fire dances. He added it reminded him of things he saw in San Francisco, South of Market Street twenty-five or thirty years ago and it had a sense of community. He added he felt really sad that the city of San Francisco had lost it and thought that somewhere along the Port and working with the Fire Department the event deserved their support.

Public Comment

No public comment.

Commissioner Meko moved to adopt the

resolution for the Black Rock Arts

Festival Commissioner Lorin seconded

the motion.

VOTE:

AYES - Commissioner Meko Commissioner Joseph Commissioner Lorin Commissioner Pred

Commission Alan Commissioner Leong and Commissioner Shlain

NOES - None

5. Commissioner Comments and Questions.

Commissioner Alan thanked the commissioners for their support on Black Rock Arts.

Commissioner Leong thanked Chair Joseph on her work with the legislative Committee and congratulated Commissioner Alan on joining the Legislative Committee.

6. Report from the Executive Committee. (Jordan Shlain, Chair)

Commissioner Shlain stated the 312 item was continued and ready at the next meeting. He added the committee decided the placement for the physical permit should be placed at the bar so there would be no confusion when and if the police came into a venue where the permit was located. He recommend it to the full commission as a agenda item for the next commission meeting to define the policy where the permit should be located behind the bar close to the door. He added if there were any agenda items the commissioners wanted to add to the Executive Committee to address them to Crystal.

7. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

Bob Davis stated Supervisor Dufty will bring the Castro legislation forth this month and he will alert the commissioners when the hearing would take place.

Bob Davis stated staffs decided on a troubleshooting board to utilize to identify clubs

were staff gets more than one or two complaints. He added they were working with the city attorney and the individual permit officers at each station. He added there was a meeting last week with central station with Crossing the Bar and Suede and thought there was some progress made. He added the next meeting would be held in conjunction with Commissioner Meko and Commissioner Alan where they would bring in some of the clubs on 11tth that staff was receiving complaints on specific clubs. He added they were trying to address them as quick as possible before they get into the summer months.

8. Discussion of agenda items for future Meetings. Entertainment Commission

Item to add to the next entertainment Commission agenda scheduled for April 19, 2005. Permit posting location.

Chair Joseph recessed the meeting at 6:10 P.M.

Recessed at 6:10 P.M.

Reconvened at 6:37 P.M.

10. Deliberations with regard to the Hearing and possible suspensions of permit No. 103954, Place of Entertainment, and permit No. 87900, Extended hours Premises issued to Kelly's Mission Rock located at 817 China Basin, San Francisco, CA.

Bob Davis called roll for the deliberations o Kelly's Mission Rock possible suspension.

Present at the meeting were Commissioners Terrance Alan, Jim Meko and Joseph Pred, Audrey Joseph and Bruce Lorin

Commissioner Leong and Commissioner Shlain were excused from the meeting.

Chair Joseph stated the commission would enter into evidence following exhibit list. *Exhibit No LL, findings of facts and conclusions of Law for the respondent and for the respondent Exhibit No. MM. Request of Mandatory Judicial Notice and for the*

Complainant Exhibit No. 34 Proposed findings of fact and statement of decision and Exhibit No. 35 transcripts of January 26, 2005 No. 36, transcripts of January 27, 2004, No. 37 transcripts from February 22, 2005 and No. 38 transcripts of February 23, 2005, No. 39 Kelly's Mission Rock Place of Entertainment Permit, No. 40 Kelly's Mission Rock Extended Hours Premises Permit, No. 41 MPC49, No. 42 Brief in support of Admission of Settlement Communications into evidence and No. 43 Declaration of Ms. Fairgrieve in support of Admission of Settlement Communications.

Chair Joseph stated the commission would deliberate on whether or not if the SFPD had met their burden of proof based on the evidence that was submitted to the commission. She added noting but the evidence could be considered. She added the commission would determine on each account whether or not a violation was committed as charged. She added at the end of that they would adjourn in the penalty phase or whether penalties will be issued to Kelly's Mission Rock if it is determined there were violations and will be determined at the next regular commission meeting held on April 19, 2005. She added between now and April 19, 2005 both parties would have the opportunity to submit in writing what they think the penalty should be. She added the suggestions for penalties could be submitted to the Entertainment Commission office during regular business hours.

Chair Joseph stated violation No. 1 August 6, 2005 Summer Jam pre party.

Commissioner Lorin stated they proved the first violation and they are guilty.

Commissioner Pred stated they did not have the option to make a vote or take any kind of action on the deliberation. He added they could have the discussion up to the point of making a vote and when the commission met again they could vote.

Commissioner Alan stated the commission was struggling with trying to come to an understanding a threshold. He added it was clear from the evidence that there were individuals who under penalty and perjury were swearing that incidents have happened at Kelly's Mission Rock each count they had incidences and testimony and examination, cross examination and rebuttal. He added if the very existence of the incident reaches the threshold of the violation he would have to side with Commissioner Lorin and find them to be in violation on all of the charges. He added he was not sure that it was the process the commission was to go through. He added if a rowdy patron was objected onto the street and complained they wanted their money back and someone is disturb by it and it occurred in front of a venue then it was technically it was a violation. He added did it rise to the threshold of a violation that should be in front of the commission. He added he was struggling throughout the entire process. He added in arriving at that threshold all the parties the police department all the various city agencies and the Entertainment Commission as well as Kelly's Mission Rock had did everything in their power to emolliate the problems. He added if the problems were outside their abilities to correct and the only way to correct them was to shut them down. He added did it rise through the threshold to trigger to suspend their entertainment permit. He added what the commission was

struggling with was what was ok for a permit holder and it was the underlying question and hoped that the dialog at tonight's meeting would help him and it was not clear to him.

Commissioner Meko stated he did not believe the seven charges before the commission were frivolous and did not believe they were of the nature that Commission Alan described. He added in each and every of the seven charges there was supporting evidence that indicated the decisions made by Kelly's Mission Rock or the actions that were not taken by Kelly's Mission Rock were contributing factors He added he agreed with Commissioner Lorin and would like the opportunity as soon as possible to vote up or down on all seven charges.

Commissioner Joseph stated in looking a violation No. 1 one thing was really clear to her when a captain Bruce Mission Rock informed the head of security at Kelly's Mission Rock that they could not barricade the street's without a ISCOTT permit and they kept barricading the streets Kelly's Mission Rock was adhering to codes and were in violation and did not have full control of the crowd. She added when the nighttime manager said the crowd was rude and rough and threw ice at her they were not choosing their events properly.

Commissioner Lorin stated violation No. 1

when a captain Bruce said they could not barricade the Street Kelly's Mission Rock was in violation. She added when the nighttime manager said a patron was rude and they threw ice at her they were making a bad decision and were not being responsible. She added in this particular event the police were not given sufficient notice of the event and were in violation of the fiduciary responsibility they had to keep the neighborhood safe and sane.

Commissioner Lorin stated violation No. 1 was not the first was the first one in front of the commission that was documented and testified too. He added there were other violations many brought to the attention of the Bay View station officers. He added the problems were not resolved he added the testimony pointed out the establishment didn't try hard enough. He added at the end of the testimony it was established they Kelly's Mission Rock could run a good shop and if they could run a good shop now why didn't they run one a year earlier. He added the reason they could run a good shop now was the police push them into a corner and had to adapt. He added it was a shame that the police department had to get down and document incident after incident and the penalties just pile up. He added he thought Kelly's Mission Rock was guilty of every one of the violations. He added but should the punishment be an escalated punishment of 30 days, 60 days or 90 days. He added he said it should not be and did not want to put them out of business. He added they had to be taught a lesson.

Chair Joseph stated Kelly's Mission Rock was guilty of violation No 1. Commissioner Alan, Commissioner Meko Commissioner Pred, Commissioner Lorin and Chair Joseph agreed.

Chair Joseph stated in her mind she was not sure the city attorney proved the specific violation. She added she was not convinced the noise violation was proved by the SFPD.

Commissioner Alan stated his read of the second violation hinged upon the sideshow and car noise and it attribution to Kelly's Mission Rock. He added at what point did they reach a threshold were one could attribute that the existence of a store or a bank complicit in the bank robbers robbery of the bank and do they shut all banks down to stop all bank robberies. He added if Kelly's Mission Rock had the power to control it. He added he had not arrived at any conclusion.

Commissioner Meko stated that SFPD had not been given advance notice of the event and they had been advised that they had to give the police department advance notice of the event and that it was a contributing factor to crowd getting out of control.

Commissioner Alan was not clear on what the notification of the agreement was between Kelly's Misson Rock and SFPD.

Commissioner Lorin stated Kelly's Mission Rock had previous discussions with SFPD that they would give advance notice by fax of their events and ended up faxing them to the city attorney's office. He added Kelly's Mission Rock were guilty of No. 2 as well.

Commissioner Pred stated his feelings of the matter based on the evidence presented that they were guilty of the noise violations as well as many others. He added the SFPD inadequately responded to the issue and had mixed feelings and felt a message should be sent not only to Kelly's Mission Rock and also to SFPD on the commission's expectations and standards to what was an appropriate response to dealing with an issue. He added not issuing citations on a variety of the violations or just chasing people off and felt more could have been done on their part. He added if clearer action were taken there would be less need for discussion. He added he hoped it could be facilitated so the commission would have a easier time on deliberations in the future.

Commissioner Lorin stated they were Commissioner Pred was correct. He added the actions of the SFPD and their testimony left a lot to be desired. He added there was frustration among the police officers that when they did take action for club violations that nothing happened. He added the district attorney's for years refused to prosecute the cases. He added the defense of Kelly's Mission Rock was they had never been convicted of any crime. He added when it came to taking action for club

violations it had to be the commission. He added the police department was not the victims it was the residents. He added the word to the police department was they had to do a better job.

Chair Joseph agreed with Commissioner Lorin. She added the residents of 610 Illinois were aware they signed a waiver to the noise. She added the residents developed a grudge against Kelly's Mission Rock and were scared by the nature of the crowds and the kind of the events that went on there. She added Kelly's Mission Rock was at fault for crowds to gather and e security did not do their job in moving the crowds along.

Commissioner Pred stated action should be considered after the hearings in terms of setting an expectation. He added the commission was not interested in punishing the police department. He added setting expectations would be in everyone's favor. He added they had a lot of violations and added there was a lot of ambiguity on areas that were not directly affiliated with the violations. He added it was why the present deliberations were important to get clarity for future deliberations and would impact what the commission did down the road.

Chair Joseph stated SFPD should not wait two years to make complaints. She added the commission could set precedent on what they did.

Commissioner Lorin stated Kelly's Mission Rock were guilty on No. 3

Commissioner Pred stated Kelly's Mission Rock was guilty of violation No. 3.

Chair Joseph stated Keith Jacobs came forth to make an effort for a traffic plan to try and move stuff around.

Commissioner Alan stated the evidence was clear and the activities on the street were directly on Kelly's Mission Rock. He added it was their responsibility to control the crowds upon entering and leaving the venue.

Commissioner Meko stated problems began a 2:00 A.M. the police SFPD were responding to higher priority calls and were unable to respond until 3:00 A.M. He added the contract for the event was signed on July 31st and the event was held on August 19th and SFPD did not receive advance notice of the event Kelly's Mission Rock was a contributing factor.

Chair Joseph stated on violation No. 4 Kelly's Mission Rock acted inappropriately and allowed the situation to escalate out of control.

Commissioner Meko stated it was cascading serious of failures on the part of Kelly's Mission Rock security and were responsible for what occurred.

Commissioner Pred stated he felt the credibility of Kelly's Mission Rock security and their security plans were pretty significantly impeached by some of the testimony the commission received and thought it was pretty damaging. He added ignorance of the law was no excuse the ISCOTT issue was definitely avoided by Kelly's Mission Rock. He and the traffic plan had no merit and felt they were not taking the full responsibility a club owner should when they were aware that a particular crowd that they invite to their venue and anticipate the types of problems that might occur.

Chair Joseph stated the 5th violation the complainant's exhibit No. 33 a letter dated September 26th to Diane from Billy. She added the letter showed Kelly's Mission Rock admitted they were operating without permits and were in violation. She added the email indicated they had no respect for the Entertainment Commission or the permit process.

Commissioner Lorin stated they were guilty on the 5th violation.

Commission Alan stated it was clear that Kelly's Mission Rock tried to do an end round the rules. He added it was a pattern the commission saw as opposed to addressing the problems with solutions.

Commissioner Pred stated that regardless if there was inaction by the SFPD it did not indicate a lack of a problem.

Commissioner Meko stated the Chair reflected his thoughts on the 5th violation.

Chair Joseph stated it was hard to control a nightclub that had cutting edge events. She added if the person with the most vested interests in the clubs which were the owners and managers who were on sight she thought the City attorney showed the commission that the manager who was in San Diego was not on sight and the owners were not often on sight. She added it presented a problem.

Chair **Joseph** stated violation No. 6 was the report of a gun somewhere else.

Commissioner Pred stated professional conduct was an expectation in wearing a uniform and should be conducted by SFPD. He added he also understood the frustration on their part for the lack of compliance on the issue of the traffic plan. He added it was distracting element to the particular violation.

Commissioner Lorin stated the commission had to look at what was it worth and to take it into consideration before punishment. He added he did not feel SFPD was not helping them get through it but Kelly's Mission Rock was self destructing of it as well.

Chair Joseph sated that Kelly's Mission Rock did try to make attempt to try to utilize the use the 10B officers for their security. She added that Kelly's Mission Rock meant well in what they were doing with the traffic plan and thought it was rather good.

Chair Joseph stated on violation No. 7 she took issue with two things. She added she took issue with labeling it as a hip-hop event. She added rather that anyone likes it or not hip-hop was part of our culture and has been a musical force for the past 25 years there is an entire generation and a half that was brought up on it and it was here to stay. She added to say that hip-hop was always negative unfortunately got a lot of press to say it was always negative was wrong. She added however, a police officer's car got jumped on and was threatened and she found it reprehensible.

Commissioner Lorin stated the police office was working 10Band was employed by the club and was making secondary employment money for family from the club and doesn't want to lose the income. He added part of the problem of employing 10B officers on permanent premises was their loyalties. He added another example where the police did not cooperate was that there were suppose to be two 10B officers and there was only one but it still not change the fact of what happened and there were a lot of things they didn't do that they should have. He added they were guilty on violation No. 6

Commissioner Meko stated he had been privy to police report incidents for a three-year period and knew none of it was admissible. He added that it did speak volumes that problems with the club continued to escalate. He added the commission was taking the charges in chronological order and charge No. 7 involved people jumping on top of a police car and the police officer had to leave to get more officers to come in and it still took thirty to forty-five minutes to bring the crowd under control. He added he did not have a whole lot of respect for the job that was done by the management of Kelly's Mission Rock when situations continue to cascade out of control and were guilty of the charge.

Chair Joseph stated one of the things she saw that was really important was money. She added clubs were not cheap and she knew the general public had the idea that clubs were just cash cows and made a ton of money. She added they did not and there were huge insurance policies to pay and huge cost of running a club. She added if you could not fill your club because you were not a good promoter you hire a promoter's to fill your club. She added the idea was it was your house; your license and they were responsible for the things that go on in your house and outside of your house and the promoters had to be screened and looked at and they had to control what they did. She added if you could not control what they did. She added on the other hand 10B officers were not cheap. She added having your in-house security well trained was really important. She added it was a monetary thing for clubs as well. She added the commission did not have any interest in closing down or crippling business beyond their ability to recover. She added not getting a loudspeaker permit irked her and it was rude to know if you needed a permit and you said so what we are doing it anyway.

Commissioner Pred stated he agreed with Commissioner Meko's points as time went experience would allow security to more effectively address problems as oppose to them escalating. He added he agreed with Chair Joseph comments on training and experience and other means other than 10B officers could address the problems. He added better training; more 10B's and more security were not evident by the 7th charge. He added they were continuing to run the same plan with the same configuration showing that they were not learning from their experience and allowed the same escalations to happen. He added the message should be sent that you had to show progress in the right direction.

Commissioner Lorin stated there might be cases that they may want to revoke their license but in this case it did not warrant that.

Chair Joseph stated when push came to shove Kelly's Mission Rock and change their management team and format and were running a clean shop. She added the onus was on the owners because they did not look to make the changes as long as they could get away with it they did. She added she felt like they did a voluntary closure early on in the beginning of the commission and closed for a couple of weeks to try to get their house in order and the commission had high hopes for them and they went down that easy money road again and sometime s you just can't do that. She added it was not jus the neighbors at 610 Illinois, she added when you pushed crowds onto the streets it was every human being that went to the club was now on the street in the middle of a ruckus and when violence happened at a club were someone is maimed or killed you were taking a chance of someone dying.

Commissioner Alan stated he appreciated the deliberations because it had given him a perspective he was hoping top receive from his fellow commissioners. He added we don't close the bank because there was a bank robbery but they did expect the bank to respond to the bank robber threat with heighten security an change in protocol or something that addressed the situation that was outside of their normal course of business. He added the commission was frustrated in viewing the case because it appeared it never happened and from week to week the same things were

tried over and over and the same excuses were given but nothing fundamentally changed that would have been at the core of addressing the problem. He added his desire was to find a threshold to articulate what it was as a commission wants the venue owners to do when there were incidents and problems.

Commissioner Pred stated speaking as a public health representative of the Entertainment Commission he felt the Commission was exposing a third consideration that was not often part of the deliberations in the past. He added it was obviously a concern in this particular case. He added there was a concern for the neighbors and their right to the peaceful and enjoyment of their property and also for supporting the entertainment industry. He added the commission from time to time faced these particular issues. He added the people who were not involved in any aggressive activities were being put at risk by the actions of the club security and it concerned him greatly.

Chair **Joseph** stated for the record the commission was in support of Kelly's Mission Rock when they were first getting their outdoor permits.

Chair **Joseph** stated at the end of the nest agenda the commission would decide what penalty would be. She added they had two permits the POE and the extended hours premises permit and each permit would be dealt with separately and a determination will be made at April 19, 2005 meeting. She added the City Attorney had suggested what the penalty should be as did the respondent would suggest what the penalty should be. She added that she would make a suggestion to rule on all seven violations as a body of violations and rule on each permit separately. She added the ruling would be available on April 20, 2005.

Adjourned. 7:42 P.M.

Respectfully Submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

DOCUMENTS DEPT.

APR 14 2005

SAN FRANCISCO
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Notice and Agenda for Meeting
Tuesday, April 19, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the Regular Entertainment Commission meeting of April 5, 2005. **[Action Item]**

2. President's Report on Children's Charity Concert. **[Action Item]**

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

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c) **Marinaro, Roy, dba "Crow Bar," 401 Broadway, Billiard Parlor/Mechanical Amusement Device.**

d) **Lee, Bill, dba "Far East Café," 631 Grant, Place of Entertainment.**

4. Commissioner Comments and Questions.

5. Report from the Executive Committee. (Jordan Shlain, Chair)

6. Report from Executive Director. (Bob Davis, Executive Director).

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

7. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

8. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409

1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, April 19, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

AMENDED

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Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the Regular Entertainment Commission meeting of April 5, 2005. **[Action Item]**

2. President's Report on Children's Charity Concert. **[Action Item]**

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

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d) **Lee, Bill, dba "Far East Café," 631 Grant, Place of Entertainment.**

4. Commissioner Comments and Questions.

5. Report from the Executive Committee. (Jordan Shlain, Chair) on recent activities from the last meeting held on April 4, 2005.

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA 94102
(415) 554-6678 ■ 415 554-5793

6. Report from Executive Director. (Bob Davis, Executive Director) on recent activities that relate to the Entertainment Commission.

7. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

8. Deliberate and take possible action regarding suspensions of permit No. 103954, Place of Entertainment, and permit No. 87900, Extended hours Premises issued to Kelly's Mission Rock located at 817 China Basin, San Francisco, CA. **[Action Item]**

9. Adjournment.

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City and County of San Francisco
Entertainment Commission

April 19, 2005

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April 19, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

COMMISSIONERS

Present

Audrey Joseph, Chair

Jim Meko,

Terrance Alan

Joseph Pred

Jordan Shlain

Bruce Lorin

STAFF

Present

Robert Davis, Executive Dir.

Jocelyn Kane and Crystal Stewart

CALL TO ORDER

Chair Joseph called the meeting to order at 5:11 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko and Joseph Pred, Audrey Joseph, Jordan Shlain and Commissioner Lorin.

Absent at the time of roll call were:

Bowman Leong.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

1. Review and approve minutes of the Regular Entertainment Commission meeting of April 5, 2005.

Commissioner Pred stated there were some minor corrections on page 5 to the

minutes of April 1, 2005.

Commissioner Alan stated he received an incomplete copy of the minutes to study and requested to reposition the item to the end of the agenda because it was important testimony on Kelly's Mission Rock.

Public Comment

No public comment.

Commissioner Alan moved to reposition the approval of the minutes of the April 1, 2005 meeting to the end of the meeting Commissioner Shlain second the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin Commissioner Shlain, Commissioner Pred, Commission Alan Commissioner Joseph

NOES - None

ABESENT - Commissioner Leong

2. President's Report on Children's Charity Concert.

Chair Joseph stated the Children's Charity Concert was a proposed concert tour that had not happened yet. She added they want to kick it off in San Francisco in 2005 and move it to New York in 2006 and through the United States. She added they had a lot of top names listed for their entertainment. She added they proposed October 2005 at Monster Park. She added the money would go to the *National Center for Exploited Children* and would also donate a portion of the proceeds to the *Music in Schools Program* in the city of San Francisco. She asked the commissioners to approve the commission to write a letter of support of the charity concert tour that would help them to continue to get funding and help them bring the event here.

Public Comment

No public comment.

Commissioner Alan moved to approve the Entertainment Commission to write a letter of Support to the Children's Charity Concert Commissioner Lorin second the

motion

VOTE:

AYES - Commissioner Lorin Commissioner Shlain, Commissioner Pred, Commission Alan Commissioner Joseph

NOES - Commissioner Meko

ABESENT - Commissioner Leong

Public comment for items not on the agenda.

No public comment.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

a) Pagni, Antonio, dba "Winslow and Assoc./SF International Film Festival Gala," Ghiradelli Square, Thursday, April 21, 2005, 9:30PM - 11:30PM, Loudspeaker Permit.

Jocelyn Kane stated the applicant applied for the for a loudspeaker permit for the opening gala at Ghiradelli Square and requested amplification until 11:30 P.M She added there was a recommendation from central station to 10:00 P.M. She added, however the commission could approve it for whatever time they felt was appropriate.

Mr. Neil Figarelli stated he was an associate speaking on behalf of Antonio Pagni who could not attend the meeting and with him from their office was Elisa Thornton. He added their packet included the invitation to the event and an event form and an entertainment schedule and an event form letter they passed around to residencies that were in the neighborhood of the Film Festival. He added there was a floor plan for the commissioners to review. He added the amplification was very low. He added it would be only background music and there was one band that would play outside with amplification. He added they had one saxophone player that would be at the front entrance and his sound was under their discretion.

Commissioner Meko stated the applicant's letter to the neighbors was not a model of communication with neighbors. He added the applicant was telling them the event was going to take place until 12:30 A.M. and thanked them for welcoming a event that they did not have say on whether it was going to occur. He stated to the applicant for the future it was not a well-written letter to neighbors.

Mr. Neil Figarelli asked if there was a letter they could down load from the Internet.

Commissioner Meko gave the applicant an example of an acceptable letter to neighbors.

Public Comment

No public comment.

Commissioner Alan moved to approve Commissioner Shlain second the motion

VOTE:

AYES - Commissioner Lorin Commissioner Shlain, Commissioner Pred, Commission Alan Commissioner Joseph and Commissioner Meko

NOES -

ABESENT - Commissioner Leong

- Tabora, Rex, dba "Zebulon," 83 Natoma Street, Place of Entertainment

Bob Davis stated the applicant was present at the previous meeting and the commission asked that he get authentication on his contact with the neighbors. He added the letter was received today and was distributed to the commissioners. He added the applicant was back to the commission requesting approval.

Mr. Rex Tabora stated he was present with a letter from the neighbors the commission requested at the last commission meeting.

Chair Joseph asked if they would have security at the establishment and would the applicant be open 7 days a week.

Mr. Tabora stated they would not. He added they were closed on weekends except for special events. He added they would have designated security for special events.

Commissioner Meko asked if the applicant was familiar with the conditions on the old permit and where they to be included onto the new permit.

Mr. Tabora stated he was familiar with the conditions and they were to be included onto the new permit.

Commissioner Alan stated he had problems with the conditions of the permit. He added in reference to Commissioner Meko's statement that the existing conditions on the 2002 would be rolled into the new permit.

He added he had an objection because it incorporated information he was not privy to until now. He added to the conditions of the existing permit of 2002. He added condition No. 1 stated that whenever entertainment and/or dancing was provided no one under 21 years of aged would be allowed on the premise. He asked if the applicant was allowed to have patrons under the age of 21.

Mr. Rex stated they were allowed to have patrons under the age of 21. He added until they closed the kitchen at 10:00 P.M.

Commissioner Alan stated if the applicant was to make a decision based on an event that would come to him that would have 18 and up that might want to continue until midnight and it was a lucrative event would the applicant keep hi kitchen open until midnight in order to accommodate the request.

Mr. Tabora stated they would not have any patrons under 21 years of age.

Commissioner Alan stated it was in the interest of the Entetertainment Commission

And the city as a whole to provide safe environments for minors who were of age to vote and die for our country but not to drink. He added the commission was attempting to provide the youth with license establishments throughout the city that provided a variety of entertainment and food options.

Mr. Tabora stated he agreed with the commissioner and said it was something they did not discuss. He added if they were allowed to have the youth they would welcome it.

Commissioner Lorin stated he agreed with Commissioner Alan and thought it should be a decision left up to the applicant and should not be part of the stipulations.

Commissioner Meko agreed with Commissioner Alan. He added he would leave it to the Commissioner Alan to interpret the spirit of carrying on the conditions without all the baggage that went along with Southern station's conditions.

Public comment

No public comment.

Commissioner Alan moved to approve the POE permit for Zebulon and in respect to the agreement that was forged with the neighbors to maintains the conditions on the front of the POE and the conditions that were not germane to the nuisance abatement issues and to strike condition No. 1 and modify condition No. 4A

to read as the Good Neighbor Policy as adopted by the Entertainment Commission Commissioner Meko second the motion.

VOTE:

AYES - Commissioner Lorin Commissioner Shlain, Commissioner Pred, Commission Alan Commissioner Joseph and Commissioner Meko

NOES -

ABESENT - Commissioner Leong

- Marinaro, Roy, dba "Crow Bar," 401 Broadway, Billiard Parlor/Mechanical Amusement Device.

Jocelyn Kane stated the applicant changed the ownership of the Crow Bar sometime ago. She added he was informed recently that he needed to apply for a new Billiard Parlor and Mechanical Amusement Device. She added he got an approval from Planning and central station and waiting on electrical. She added staff recommended approval for a conditional grant.

Public Comment

No public comment.

Commissioner Alan moved to approve Commissioner Lorin second.

VOTE:

AYES - Commissioner Lorin Commissioner Shlain, Commissioner Pred, Commission Alan Commissioner Joseph and Commissioner Meko

NOES -

ABESENT - Commissioner Leong

- Lee, Bill, dba "Far East Café," 631 Grant, Place of Entertainment

Bob Davis stated they received notification from planning department and according to the code section the venue was in a retail district in China town and did not allow entertainment use. He asked that the item be continued.

Public Comment

No public comment

Commissioner Pred moved to continue item d Commissioner Alan second the motion.

VOTE:

AYES - Commissioner Lorin Commissioner Shlain, Commissioner Pred, Commission Alan Commissioner Joseph and Commissioner Meko

NOES -

ABESENT - Commissioner Leong

4. Commissioner Comments and Questions.

Commissioner Meko stated the idea of entertainment zones kept coming up and most recently Commissioner Bill Lee made an inquiry at the last Planning Commission

meeting. He added they usually were related to areas were there were neighbor nightclub conflicts. He added the idea of turning the area into an entertainment zone came from the nightclubs. He added last week he learned that Club 6 had expansion plans. He added at the time he had talked to residents of the SOR Hotel above the location. He added they complained about the noise there were told they had a city permit that allowed them to disturb the peaceful use and enjoyment of their homes and they had no right. He added they talked it out a hearing and were given promises that the loud music would be moved into the basement area were the dancing would occur and the ground floor would contain background music not to disturb the people living directly above the club. He added people that were moving in above the club were asked to sign waivers acknowledging that they were moving into a area that was a entertainment zone and would be subjected to more noise and nuisance than people should normally suspect. He added the waivers were no worth the paper they we printed on. He added when you were living in a SRO hotel on 6th street chances were there were issue with law enforcement, drug issues and language barriers and intimidation tactics. He added that he did not want to see it spread and asked staff to monitor the situation.

Commissioner Shlain stated the commission was sold a bid of goods on the promises of Club 6 and agreed the club should be monitored.

Bob Davis stated Jocelyn had talked to the manager and it would be monitored.

5. Report from the Executive Committee

Commissioner Shlain stated the executive Committee was working on a number of different issues. He added he would report on the draft of the Entertainment Commission's permit posting policy. He asked the Commissioners to review the draft.

Chair Joseph stated she objected to the fact that the permit be placed behind the bar. She added having it behind the bar it would an undue hardship to ask the bartenders to stop serving and find the binder with the permit and present it to the police. She added the permit should be held either in the mangers office or the cashier's booth a place that was acessable or close to the door were authorities could readily find it.

Commissioner Lorin stated if it weren't behind the bar they would not have a clue and would not have access to the business office.

Chair Joseph stated there should be a compromise so the applicants could have options.

Commissioner Meko stated the reason it came to the Executive committee was because of numerous incidents were the office was locked. He added the second point in terms of posting on the door or anywhere else as Commissioner Alan pointed out it covered an entire wall and in the case of a drinking establishment it could be decorated by the time the evening was over.

Chair Joseph stated it should not be in a place were the public could get to it. She added it should have options.

Commissioner Joseph stated the policy should state a guideline. She added the permit had to be visibly posted.

Commissioner Pred stated the policy should clearly state a guideline for accessibility. He added how each permit holder chose to enact the policy should be based on the factors that were particular to the venue. He added the permit should be easily accessible.

Commissioner Lorin suggested making the posting policy for the POE the same as the ABC and tax license posting.

Commissioner Alan stated what they were attempted to do by virtue of creating the policy was not to take away the ability for staff to make money on a busy night but instead to minimize the intrusion when law enforcement or fire department needed to gain access to the permit to determine compliance. He added when the permits were too accessible to the public it was determined it was not the best place for them. He added if they were in the management office on a busy night they would be very difficult to get too. He added in the spirit of compromise perhaps they could give the alternative of behind the bar, which seemed to be a logical place that the manager, head bartender and head of security would all know so if the police came in and asked to see their permits they would know were they were. He added was not to standardize the process to make the system less cumbersome on everyone.

Chair Joseph stated he agreed with Commissioner Pred that one size doesn't fit all and recommended either or for posting the permit.

Commissioner Shlain stated they would bring back another version to the full commission at the next meeting.

Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

Bob Davis stated the Castro legislation had been delayed and asked the assistance and aid of the commission to get the word out to the priorities of the venues in the Castro. He added the window for registering would be six months instead of one year.

Bob Davis stated the Small Business Association in conjunction with the Entertainment Commission would have celebration on April 25, 2005 from 6:00 P.M. to 9:00 P.M. in the Rotunda of City Hall with the Mayor and encouraged the Commissioners to attend. He added there was an article in last weeks Business Times regarding the Entertainment Commission.

7. Discussion and direction to staff to place

Items on the agenda for future Entertainment

Commission Meetings.

There were no items to discuss.

Chair Joseph stated she would take a short recess before proceeding.

Recessed at: 5:57 P.M.

Reconvened at: 6:09 P.M

8. Deliberate and take possible action regarding suspensions of permit No. 103954, Place of Entertainment, and permit No. 87900, Extended hours Premises issued to Kelly's Mission Rock located at 817 China Basin, San Francisco, CA.

Chair Joseph stated there were items that were submitted to the commission. She added for the complainant's responses of deliberations of April 5, 2005 would be Exhibit 44, proposed findings and decisions received April 18, 2005 would be Exhibit No. 45 and for the Respondent penalty recommendations and mitigation considerations would be Exhibit NN and response complainants pleadings of April 18, 2005 would be Exhibit OO. She added on Exhibit No. 42 and 43 for the complainant

she was renewing the fact that the commission was denying consideration of admission of the settlement communications for both items. She added on the respondent's request for mandatory judicial notice Exhibit MM. She added they were not required to take judicial notice and it was denied.

Chair Joseph stated based on the deliberations at the last meeting on April 5, 2005 she entertain a motion with regard to all seven counts against KMR that the commission found the respondent guilty on all seven charges.

Commissioner Lorin requested the city attorney's opinion if the commission were required to give the maximum punishment on each and every finding of guilty or was the commission able to devise whatever punishment the commission thought was fitting.

Marie Corlett Blits, with City Attorney's and counsel to the Entertainment Commission for the case stated the commission was not required to give the 18 month penalty if the commission found were not required to give the 18-month penalty if the commission found they were guilty on all seven counts. She added there was some discretion involved on the part of the board and there was room for interpretation as to how the numbers were calculated.

Commissioner Alan stated the entire complaint could be seen as one complaint with seven actions that made up the complaint.

Commissioner Lorin stated he felt they were seven separate incidents all brought together at the same time.

Public Comment

John Wood with the San Francisco Late Night stated he expressed disappointment with the deliberations last week with regard to the charges. He added the SFLNC was not naive sponsored the legislation that created the Entertainment Commission that neighbor and city politics did not have a role in the decisions. He added he heard almost no comment about the generational issues that resulted in the middle age and elderly neighbors filing the complaints against predominately young people in the events. He added similar events and worst had happened at many other venues that had not been brought up on charges. He added there was fault all the way, around which were the Police Department, the neighbors and the management of the venue. He added he did not believe the penalties reflected the blame all away around. He added the commission was charged with balances the policy and wanted the commission to be fair in their deliberations.

Commissioner Shlain stated the Entertainment Commission was created and there was politics and the SFLNC was politics. He added based on the article he read in the San Francisco Business times the Entertainment Commission has issued 30 % of after hours permits.

John Wood with the SFLNC stated he felt the commission had fulfilled its mandate to be balanced but expressed disappointment in the comments he heard last week about the deliberations.

Mark Rennie stated he concurred with several things Mr. Wood said. He added 180 days would kill the business. He added the commission needed to look at several employees not being able to pay their rent. He added there was some blame to go around. He added the San Francisco Police Department at some point pulled back away and said Kelly's Mission Rock was out of control we hope you go off the cliff and thought it wasn't what the San Francisco Police Department should be doing for public safety in San Francisco. He added the neighbors signed waivers they were moving next to a late nigh entertainment venue and a cement factory. He added it was not something the neighbors did wrong it was something the Planning Department in the city had did wrong in the last twenty years and why the city in the toilet compared to New Orleans, Las Vegas, Los Angeles and Miami was because the city had no vision, no entertainment policy. He added someone had to stand up and say Kelly's Mission Rock did something wrong and had bad management but where was the city in the matter and when would someone wake before the city had nothing to entertain the tourist.

Public Comment

Public comment closed.

Commissioner Meko stated in future planning processes it was extremely important to take a broader view of mixed use. He added planning thought they could create new neighborhoods and wish them to be mixed without taking the kind of steps that were necessary steps to allow entertainment and residential uses to live side by side. He added the entertainment uses had to be responsible for containing their noise. He added in regards to Mr. Woods comment, the youth were not the issue it was the adults who owned, managed and provided security at Kelly's Mission Rock.

Chair Joseph stated the proceedings the commission had last week was the basis for the vote. She added the commission should stick to the issues on the vote and the evidence that was presented before them and regard to the seven charges.

Commissioner Pred moved to approve based on all seven counts Kelly's Mission Rock was guilty on all seven counts

Commissioner Shlain second the motion

VOTE:

AYES - Commissioner Lorin Commissioner Shlain, Commissioner Pred, Commission Alan, Commissioner Joseph and Commissioner Meko

NOES -

ABESENT - Commissioner Leong

Chair Joseph made a motion on all seven counts against Kelly's Mission Rock the commission found that based on the police code 1060.20AD 1070.17A2 Kelly's Mission Rock had operated premises as to harm the public safety and welfare the incidences of disorderly conduct, dangerous driving, disturbances of the peace rowdies crowds and levels of noise. She added for the violations the commission set a penalty of 6 months suspension of the extended hours permit and 6 months suspension of the Place of entertainment permit with a 30 day credit. She added a stay of four months, should Kelly's Mission Rock violate the probation during their Place of Entertainment permit would be suspended for the balance of their probation period.

Commissioner Alan moved to

Commissioners Pred second the motion.

VOTE:

AYES - Commissioner Lorin Commissioner Shlain, Commissioner Pred, Commission Alan, Commissioner Joseph and Commissioner Meko

NOES -

ABESENT - Commissioner Leong

Commissioner Lorin stated thirty days was inadequate. He added and the time that Kelly's Mission Rock shut down it was a management decision and had nothing to do with any of the violations and should not be considered. He suggested a 90-day suspension. He added his sympathy was not to the owner or management it was to the everyday employees. He added the commission did not cause the problem. He added he would like to see an 18-month probation with the reamining15 months held in abeyance. He added he would vote against the present proposal.

Commissioner Meko stated he would not support the motion that had been made and he agreed with Commissioner Lorin on the 90-day suspension. He added the commission did not give a period of suspension sentence that sent a message to Kelly's Mission Rock after finding them guilty of seven different charges the commission would not be taken seriously.

Commissioner Alan stated it was important in the consideration that the commission reflects upon the thing that the commission was hoping would occur prior to the charges that were being brought. He added everyone that was involved hoped that Kelly's Mission Rock would make substantive changes to their management structure in a way to stop the problems from continuing. He added be it late they had did that, and had extended what he views as a olive branch to the community and voluntarily ceased their entertainment operations. He added he saw it as a hardship the venue had voluntarily offered to the community in an effort to show that they want to become a good neighbor to the community. He added if the commission suspended their permit for three months the commission would shut their business down during the key months that a business like Kelly's had to operate. He added the commission would put their employees and their business out of business. He added he saw it as a result of being too harsh of a punishment given all the ameliorating circumstances the commission had to take into consideration. He added he did not believe the voluntary closure of Kelly's Mission Rock should be completely disregarded in the sentences. He added he could not the accept the request for the amendment.

Commissioner Pred stated it was common in a variety of hearings to consider time served as part of the penalty phase and thought the case was no different. He added his hesitation for seconding the motion was the brevity of the probationary period. He added hearing the comments of the other commissioners it should be considered a longer probation period than four months. He added a clear criteria should be established for the review of the probation period as well as to trigger events to bring parties together to further mediate. He added it should be an absolute requirement. He added the criteria's should be clearly set so that law enforcement, the commission the neighborhood and the venue clearly understood the criteria that they would be held to during the probation period. He added he would entreat Commissioner Alan to consider the longer probation period as a friendly amendment to his original motion.

Chair Joseph stated the commission was not in the business of putting anyone out of business. She added during the summer months a 90-day closure for a business like Kelly's would probably close them permanently. She added 18 months would be the end of Kelly's Mission Rock and thought it was unreasonable. She added as an additional friendly amendment she would include that all staff members of Kelly's Mission Rock go to LEAD training and guard card training. She added since Kelly's Mission Rock had never had charges brought before them before and it was their first outing in front of the commission. She added their behavior was reprehensible, nevertheless she did not think the commission giving them a long sentence would not hold water on an appeal. She added she would go with a longer probationary period and condition their permits additional if they accepted a 6-month suspension of their extended hours permit.

Commissioner Lorin stated there would be no right of the commission a to extend any probation passed thirty days because the punishment for one violation was a thirty-day suspension. He added the only way to get probation was if the commission held some suspension in abeyance. He added if the commission voted to suspend them for ninety days and they agreed and didn't utilize their permit for ninety days commencing today by the middle of July they would be back in operation to enjoy San Francisco's beautiful summer.

Commissioner Alan asked City Attorney Marie Blits if the commission had latitude beyond the code section to impose penalties that were not codified as the commission had the ability to condition permits that were outside of the code section.

Marie Blits stated the commission did have authority to put conditions on permits and the ability to put conditions on permits could be viewed in a form of probation. She added the commission could do separate and apart whether they had a suspension or a finding of violation of the commission's code previsions. She added the suspension previsions themselves had within them penalties previsions in the police code 16.20(b) and 1070.17(b) the first was the entertainment prevision and the second was the after hours permit prevision. She added the language in both the penalty section was the same. She added the penalty for the first violation within a period of 6 months shall be a suspension of said permit for a period of thirty days and the penalty for the second violation shall be a period of 6 months shall be a suspension for a period of 60 days and the penalty for the third and subsequent violations within a period of 6 months shall be a suspension of said permit for a suspension of 90 days. She added the prevision, as it applied to the Entertainment Commission had not yet been tested in court and did not have an interpretation of a court ruling to rely on. She added the violations were brought to the commission in one complaint and were alleged violations. She added the commission could make an argument that the cumulative penalties should kick in of the 60 and the 90 days for subsequent date violations. She added they would be difficult to defend if it went to court. She added the commission could look at each violation as triggering the thirty-day period. She added if the commission wanted to impose a longer penalty than thirty days and hold part of it in abeyance calculating it that way would give them a longer period of time to impose a penalty.

Commissioner Alan would like to hear the restatement of the friendly amendment offered by Commissioner Lorin.

Chair Joseph stated the motion was a 6-month suspension with a thirty-day credit and thirty day more days in suspension and four months in abeyance.

Commissioner Lorin stated he couldn't go along with the motion because he thought the suspension was too short and he was not inclined to give Kelly's Mission Rock credit for time served. He added he would like to see a longer suspension held in abeyance for a longer period of time.

Commissioner Alan motion moved to approve a 6-month suspension with a thirty-day credit and thirty day more days in suspension and four months in abeyance Commissioner

VOTE:

AYES - Commission Alan

NOES - Commissioner Lorin Commissioner Shlain, Commissioner Pred, Commissioner Joseph and Commissioner Meko

ABESENT - Commissioner Leong

Commissioner Alan made motion to suspend both the Place of Entertainment and the Extended hour's premises for 6-month hold in abeyance four months of the suspension of the Entertainment Permit and include that all KMR staff members go to lead training and all security attend guard card training.

Commissioner Lorin stated he would like to 1 year suspended and 9 months held in abeyance for a period of one and the LEAD training and the guard training is required. He added a 90-day suspension was called for in this case.

Commissioner Meko stated he would not go for a motion that included less than the 90-day suspension. He added he was inclined to favor the suspension of the after hours beyond the 90-days.

Commissioner Pred stated the second if there should be a second violation it did carry a 60 day minimum per the code. He added regardless of additional conditions the commission would place on the probation and abeyance and relative issues. Kelly's Mission Rock would still face additional penalties should there be additional issues. He added the commission should have a moderate approach knowing that should there be additional issues there were already increasing penalties in place.

Commissioner Alan stated he agreed with Commissioner Pred comments. He added it was part of the hammer that was held over the venues head that was not necessarily known to everyone until the commission examined how the process worked. He added he could not support the first offensive brought in front of the Entertainment Commission in front of Kelly's Mission Rock to conflict damage to its employees in a way that went beyond the commission's need to correct their behavior. He added it was the commission's function to insure that Kelly's Mission Rock did not repeat the behavior. He added punishing everyone that worked at Kelly's Mission Rock by putting them out of work to further convince them they had to do something was excessive. He added he would only vote for it if Kelly's Mission Rock up to the date

of the hearing they were still having events and complaints were still piling up. He added he was frustrated by Kelly's Mission Rock lack of responsiveness because he was there and told them they would have the problems. He added when they fixed the problem he found it completely wrong for the commission not to take it into consideration. He added he understood the commission had to demonstrate to the Police Department and the City Attorney office and the neighbors that the commission had a tuff stance, but it was not the commissions place. He added it was the commissions place to demonstrate the commission was effective in controlling and changing the behavior of the club and the commission had done that.

Commissioner Pred stated it was in the commission's charter to promote the industry and it went against the charter and the spirits to punish them to the point were they were out of business. He added for a first offensive he could not support a 90-day suspension because of the degree of the punishment. He added it did not send the right message. He added that SFPD addressed the issue more aggressively and brought forth multiple cases and hearings the commission would be in a different position. He added one of the additional messages that would be sent was the Police Department that they needed to be more proactive and extend their relationship to the club owners and the Entertainment Commission in such a way so the commission would not be in this position in the future.

Chair Joseph stated she agreed that she could not support the 90- days it was way too much time. She added she agreed that Kelly's Mission Rock acted reprehensively.

She added they were counseled by the police and the City Attorney and did not change their methodology of doing their events. She added it was not in the commission mandate to put someone out of business.

Commissioner Alan motion to impose the penalties on Kelly's Mission Rock as follows; suspend their Extended hours premise license for a period of 6-month and suspend the place of Entertainment permit for a period of 6 months and hold four months in abeyance and set a criteria for review as to how it would be triggered by an offense and require all employees go through LEAD training and all security personnel are guard card carriers.

Chair Joseph stated for a lack of a second the motion failed.

Commissioner Shlain motion the Place of Entertainment Permit is suspended for 1 year and the Extend Hours Permit for 1 year and the after hours permit is held in abeyance for 8 months and the Place of Entertainment are suspended 75 days and LEAD training and guard cards requirements.

Public Comment

John Wood thought the motion to be too extreme and asked the commission to consider the considerable amount of cost for the venue and that would be punishment as to the management. He added when the commission was created they legislatively authorized a sound tech person who's roll was to go out and verify complaints. He added some of the noise complaints were questionable in his view. He added if a probation was going to be imposed there had to be some other way than coming back to a hearing with lawyers of ascertain if a complaint was true.

Mark Rennie stated there was a big elephant in the room that happened to be the United States Constitution, which was the law of the land. He added he heard the City Attorney tell staff and Commission that she would hate to have to defend that. He added he read the statute about ten times and dealt with in a number of hearings going back 15 years. He added what everybody in San Francisco took it to mean was you screw up once you got 30 days, you screw up twice you had got 60 days, you screw up three times within six months you got 90 days. He added the commission had to look at the legislative scheme to bridge first amendment rights to the U.S. Constitutions that gave them strict scrutiny by the federal courts. He added it would end up in federal court and his predicament was the commission would loose. He added 30-days was what the commission could do.

Chair Joseph asked the city attorney if the commission voted on suspending Kelly's Mission Rock for 90 days and they appealed it and the ruling was overturned what would happened and would they walk away scott free.

Marie Blitz stated it would depend on the basis for the ruling being overturned rather it was the amount of the penalty or the finding of violation.

Chair Joseph stated when you were adjudicating against anyone you had to do what reasonable people would do. She added the commission findings were that Kelly's Mission Rock was in violation. She added the commission had to reasonably ascertain whether there violations constituted as a first violation or seven violations. She added she was not clear and was reluctant to vote for the 75 days.

Commissioner Lorin stated the city Attorney stated the commission could do it and the commission should do what they thought was fair and equitable. He added if the commission were outside of their abilities the courts would correct the commission and they would know what to do in the future.

Commissioner Shlain motion that the Place of Entertainment Permit is suspended

for 1 year and the Extend Hours Permit for 1 year and the after hours permit is held in abeyance for 8 months and the Place of Entertainment are suspended 75 days and LEAD training and guard cards requirements. Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Lorin Commissioner Shlain, CommissionerMeko

NOES- Commissioner Pred, Commission Alan and

Commissioner Joseph

ABESENT - Commissioner Leong

Public comment

No Public Comment.

Commissioner Pred motion to suspend the Extended Hours Permit for 6 months and their Place of Entertainment for 6 months with 4 months held in abeyance with the LEAD and guard card training with a full year of probation in which the abeyance is held and reevaluated on an ongoing basis. Commissioner Lorin second the motion.

VOTE:

AYES - Commission Shlain, Commissioner Lorin, Commissioner Pred, Commissioner Joseph

NOES - Commissioner Alan and CommissionerMeko

Chair Joseph stated with regard to all seven counts against Kelly's Mission Rock the commission found that based on the police code 1060.20A2 1070.17A2 that Kelly's Mission Rock had operated its premises so as to harm the public safety and welfare by the incidences of disorderly conduct, dangerous driving, disturbances of the peace rowdies crowds and levels of noise, thus for these violations the commission set a penalty of suspension of the Extended Hours Permit for 6 months and their Place of Entertainment for 6 months with 4 months held in abeyance with the LEAD and guard card training with a full year of probation in which the abeyance is held and reevaluated on an ongoing basis.

Chair Joseph stated that staff would produce the written findings based on the motions deliberations that took place.

Public Comment

No public comment.

Commissioner Alan moved to continue the approval of the minutes of April 5, 2005 to the next regularly scheduled meeting Commissioner Pred second

VOTE:

AYES - Commission Alan, CommissionerLorin Commissioner Shlain, Commissioner Pred, Commissioner Joseph and CommissionerMeko

NOES - None

ABESENT - Commissioner Leong

11. Adjournment. 7:22 P.M.

Respectfully Submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, May 3, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

SF
E81
#1
5/3/05

1. Review and approve minutes of the Regular Entertainment Commission meeting of April 5th and April 19th 2005. **[Action Item]**

2. President's Report on Human Right's Commission Report.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Au, Patrick C., & Chung, Eric, dba "Cat Club," 1190 Folsom Street, Place of Entertainment/Ext. Hours Premises.**

b) **O'Reilly, Myles, dba "O'Reilly's Holy Grail," 1233 Polk Street, Place of Entertainment.**

c) **Chowdhury, Leo, dba "Crossing the Bar," Pier 33 Embarcadero, Loudspeaker Permit, May 13, 2005 10PM - 2AM.**

d) **Gaitan, Domingo, dba "Dominic's Club," 65A 29th Street, Place of Entertainment.**

4. Commissioner Comments and Questions.

5. Report from the Executive Committee. (Jordan Shlain, Chair)

City and County of San Francisco
Entertainment Commission

May 03, 2005

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May 3, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

COMMISSIONERS

Present

Jim Meko

Jordon Shlain

Audrey Joseph

Terrance Alan

Bruce Lorin

Bowman Leong

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:12 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko and, Bruce Lorin, Bowman Leong, Jordan Shlain and Audrey Joseph.

Absent at the time of roll call were: *Joseph*

Pred.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT

Mark Rennie handed out packages to the commissioners that included information from the International Arts Festival. He asked for the support of the commission and

informed the Commission there was a fundraiser that would be held tomorrow.

Commission Alan stated he wanted to remind the Commissioner's in the early dates of the Entertainment Commission he requested that Mr. Andrew Woods, Executive Director of the International Arts Festival make a presentation in front of the commission and at that time the Commission voted to be their sponsoring agency. He added the commission had been working hard behind the scenes to make the festival a reality. He added since the Commission had taken a public position of support and they now had dates and an activity calendar for the International Arts Festival in front of them the Commission could be more visible in showing support.

John Wood, with the San Francisco Late Night Coalition stated as comic relief he saw a article in the newspaper were a resident was suing the City of San Francisco over the wine the electric buses made. He added it brought up whole the concept of what did the peaceful enjoyment of your property meant when you lived in a crowded metropolitan area and it highlighted all the impacts they all had to live with living in the city.

Public comment closed.

1. Review and approve minutes of the Regular Entertainment Commission meeting of April 5th and April 19th 2005.

Public comment

No public comment.

Commissioner Leong moved to approve

the Minutes of April 5, 2005

Commissioner Lorin seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin Commissioner Pred, Commission Alan Commissioner Leong and Commissioner Shlain and Commissioner Joseph

NOES - None

ABESENT - Commissioner Joseph

1. Review and approve minutes of the Regular Entertainment Commission meeting of April 19, 2005.

Public comment

No public comment.

Commissioner Meko moved to approve

the Minutes of April 5, 2005

Commissioner Shlain seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commission Alan Commissioner Shlain and Commissioner Joseph

NOES - None

EXCUSED - Commissioner Leong

ABESENT - Commissioner Pred

2. President's Report.

Chair Joseph stated on April 26, 2005 the San Francisco Human Rights Commission issued their findings in the case of Derek Turner, Michael Wyllis, et al. vs. the San Francisco Badlands. She added in the case they found the Badlands to be guilty of unequal admittance policy, and guilty of discouraging African Americans as customers and in their conclusion they found that Badlands were in violation of San Francisco Administrative Code 12 A. She added The Badlands could also be in violation of the Police Code Section 3303 the employment section. She asked Director Bob Davis to investigate The Badlands and the finings to see if the Commission would have to hold a hearing to see if they were in violation of their Place of Entertainment permit and Extended Hours permit. She added there was a meeting on the Committee for Neighborhood and City Services were the Film Commission made a presentation to offer rebates similar to what the other 260 Film Commissions in the country did. She added the City of San Francisco was considered doing it. She added the Mayor's Office of Economic Development were trying to develop small businesses and were trying to make the city of San Francisco a more business friendly place. She added she would like to see the Entertainment Commission come up with some kind policy

they could present to make it favorable for people to bring events to San Francisco and suggested at the next Commission meeting or there after during commissioner questions and comments the Commissioners could raise some ideas to put together a policy to put forward to make the process of having events in San Francisco an easier thing to achieve.

Bob Davis stated since there was no policy of legislation it should go to the Executive Committee.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

- Au, Patrick C., & Chung, Eric, dba "Cat Club," 1190 Folsom Street, Place of Entertainment/Ext. Hours Premises.

Jocelyn Kane stated it was a place of entertainment and extended hours permit application. She added the applicant had not applied for anything different for the current operations. She added Southern stations recommendations came in late today and were additions to their packages. She added she did not have the current permit because it was issued to the current operators of the Cat Club so long so long ago that it was one of the permits that did not come over from the Police Department files. She assumed that the current conditions were still the same. She added that the Planning Department had also indicated verbally the current use was a permitted use. She added staff recommended conditionally granting the permit.

Captain O'Neil stated a lot of the files that were intermingled were in file storage were prohibitive but they could request a specific file if the Commission requested a particular file.

Commissioner Meko stated looking at the empty audience he expressed concern over the fact the Commission was considering applications with no applicants present. He added the Commission had tried to insure the public attached some credibility to the Commission and he thought the Commission went to great measures during Kelly's Mission Rock situation and the Commission stature had improved in the eyes of the neighborhoods. He added he was concerned if the Commission considered granting the applications when applicants did not bother appear at the hearing.

Chair Joseph asked if Jocelyn Kane posted and if the applicants knew the hearing was today.

Jocelyn Kane stated she did post and the applicants were aware of the hearing today.

Commissioner Lorin stated the applicants did not need to be present unless there were some issues brought up that were germane to the applicant then their permits would get postponed until they showed up. He added if there was no one present in opposition and staff and staff already investigated and recommended approval all the Commission had to do was approve.

Chair Joseph stated the applicants were not required to be present.

Commissioner Alan stated for clarification that the process did not require the applicant to be present at the hearing under any circumstance. He added their absence would not rise to the occasion to being able to deny or continue it unless the Commission felt it was necessary. He added in this particular case both applicants had a long history of ownership and operations of Place of Entertainment and Extended Hours premise locations and were not unknown to the entertainment community and hence to staff and some of the commissioners as far as operators are concerned.

Commissioner Meko stated he was very familiar with the location and the location had a history of serious problems with their neighbors and would like to have the opportunity to talk to the applicant regarding security procedures and soundproofing and outreach to their neighbors.

Chair Joseph asked Jocelyn Kane had there been any complaints reported to staff.

Jocelyn Kane stated she had not had any complaints about the venue.

Chair Joseph asked Lt. Schlotz if she knew of any complaints for 1190 Folsom Street.

Lt. Schlotz stated she was not aware of any complaint for the Cat Club at 1190 Folsom Street. She added she had not received one in the last two years.

Chair Joseph stated her knowledge of the Cat Club was that it was well run venue. She added she believed they put soundproofing in their ceiling a couple of years ago.

Commissioner Meko asked Lt. Schlotz with regards to reports she received from Southern station when was the last time she received a report on an incident at the Holy Cow of Folsom Street.

Lt. Schlotz stated she did not recall receiving one in the last two years.

Commissioner Meko stated last week he witness two marked police cars and one unmarked car pull in front of the venue about 1:00 A.M. on a Saturday night. He added at least five officers spent 20 minutes inside the venue. He asked if Lt. Schlotz knew anything about the incident.

Lt. Schlotz stated she did not know anything about it and asked if Commissioner Meko knew if the officers made a report or sited anyone. She added she would be happy to follow up and would report back to the Commission.

Chair Joseph stated when she had a nightclub she had regular visit from the Police. She added the came in walked around and there was nothing wrong. She added sometimes police went into nigh clubs just to walk around with out a call or complaint.

Commissioner Meko asked staff with regards to all the police stations in the city how would they compare the response information they receive from Southern station compared to all the other police districts in the city. He added southern station included approximately 75% of the Place of Entertainment in the city.

Chair Joseph stated the Commission did not need to look for fault where fault may not exist.

Commissioner Meko stated he was pursuing the discussion with regard to Commissioner Lorin's conjecture that perhaps there were no problems within Southern station and the assumption was if the Commission was not receiving any reports that everything must be fine. He added in the case of Club Six the management and residents surrounding Club Six were constantly in the community court systems trying to resolve nuisance complaints. He added the Commission was not receiving credible information from Southern station and could not assume that everything must be fine.

Commissioner Lorin stated the Commission was giving a permit to the applicant so they could operate a place.

Chair Joseph stated if the situation were bad enough the police would report it to the commission.

Public Comment

Mark Rennie stated he represented south side sports entertainment dba the Cat Club and although it wasn't his permit he could tell the Commission the permit went back to 1983. He added the venue had a number of sound issues a couple of years ago that ended up in criminal court. He added the venue owner spent approximately $70,000.00 in soundproofing. He added the criminal courts would not let the venue owner go until there were no complaints for 6 months with no sound complaints and as far as he knew there were no sound complaints.

John Wood with the San Francisco Late Night Coalition stated the applicants were very good guys and ran another club called Club Base and when they bought the venue they had some neighbor issues that they successfully worked through it and had not heard anything about it in the past two years. He added they were community oriented and involved owners and from what he knew of them he thought they would do a good job running the Cat Club.

Public comment closed.

Commissioner Lorin moved to conditionally approve Commissioner Alan seconded the motion.

VOTE:

AYES - Commissioner Lorin, Commission Alan, Commissioner Leong, Commissioner Shlain, Commissioner Joseph

NOES - Commissioner Meko

ABESENT - Commissioner Pred

- O'Reilly, Myles, dba "O'Reilly's Holy Grail," 1233 Polk Street, Place of

Entertainment.

Jocelyn Kane stated the applicant was not present. She added it was a brand new location and the applicant had put millions of dollars into retrofitting to create a second location and owns O'Reilly's in North Beach and his application had received approval from planning and Northern station with conditions. She added the old permit was attached to the application, as there were conditions through conditional use authorization that would move along with the new permit.

Commissioner Alan stated in Exhibit A marked City Planning Commission No. 1 specified the authorization to add a piano or amplified Karaoke equipment within the existing full service restaurant or bar and would be permitted on Friday and Saturday's until midnight only. He added if the Commission carried forward the conditions as written the would only be allowed to have Karaoke on Friday and Saturday nights only. He added was there any modification of the conditional use authorization conditions.

Jocelyn Kane stated not that she knew of and was not aware if Mr. O'Rielly went to planning to modify them. She added her understanding was it an authorization to add the Karaoke. She added the applicant was able to run until 1:30 A.M. some form of entertainment.

Commissioner Alan stated the conditions were confusing. He added the commission could conditionally grant the permit based on the ability of the permit to be made consistent with planning's restrictions.

Jocelyn Kane stated she would go back to planning to get some clarification.

Commissioner Shlain stated the venue was four buildings away from Rudy Columbini's Music City and there was a huge neighborhood protest at the planning commission meeting. He added he did not see anyone opposing the venue as they were in mass at Music city.

Bob Davis stated Rudy Columbini had an establishment next door with rehearsal spaces and there was a great fear. He added he was also very close to an architect's office and the school. He added they were further down the street. He added there were some differences.

Commissioner Shlain stated while the applicants were not technically legally

required to be present the Commission should encourage them to be present if there were questions.

Bob Davis stated staff did tell the applicants to be present and do neighborhood outreach and it was the first time that it happened. He added Jocelyn did put the effort in telling applicants to attend the hearings.

Commissioner Alan suggested the Executive Committee put it on the agenda for discussion and drafting of process.

Commissioner Alan offered a friendly amendment of having consistency with the Entertainment Commission permits conditions and planning conditional use authorization conditions.

Public Comment

No public Comment

Commissioner Lorin moved to approve conditionally pending a security plan
Commissioner Shlain seconded the motion.

VOTE:

AYES - Commissioner Lorin, Commission Alan, Commissioner Leong, Commissioner Shlain, Commissioner Joseph

NOES - Commissioner Meko

ABESENT - Commissioner Pred

- Chowdhury, Leo, dba "Crossing the Bar," Pier 33 Embarcadero, Loudspeaker Permit, May 13, 2005 10PM - 2AM.

Jocelyn Kane stated the applicant withdrew the application and no action was required.

- Gaitan, Domingo, dba "Dominic's Club," 65A 29th Street, Place of Entertainment.

Jocelyn Kane stated the application was submitted in late March 2005. She added the applicant was not present because a neighborhood alliance group requested the applicant postpone the hearing until May 17, 2005 and the applicant's complied with their request. She added Ingleside stated they wished to hold off on their recommendations until the groups meet to resolve issue. She added staff recommended to continue the item until May 17, 2005.

Public Comment

No public comment.

Commissioner Alan moved

to continue the item until May 17, 2005

Commissioner Lorin seconded the

Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commission Alan and Commissioner Leong and Commissioner Joseph

NOES - None

ABESENT - Commissioner Pred

EXCUSED -Commissioner Meko

4. Commissioner Comments and Questions.

Commissioner Alan offered staff assistance on the security plan.

Commissioner Shlain commended staff on the proceedings on Kelly's Mission Rock. He added the Commission developed a since of credibility in the community as a Commission that would not just rubber stamp but would take action when action was needed.

5. Report from the Executive Committee. (Jordan Shlain, Chair)

Commissioner Shlain stated he was absent at the meeting and Commissioner Alan took over.

Commissioner Alan stated he did not have his report and would submit it by email.

8. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- Bob Davis stated the Castro legislation goes back to committee then onto the board May 11, 2005.

- Bob Davis stated the street performers legislation was introduced and was moving forward. He added a modification of the current street artist legislation that regulated the street artist program through the art commission. He added the Entertainment Commission would regulate a small portion of the street performers because the requirement includes amplified sound.

- Bob Davis stated staff had been working on a couple issues with Miami Beach. Toronto and Niagara Falls with the assistance of Commissioner Alan as part of a survey group for Toronto. He added the Small Business Commission thanked the Entertainment Commission in the Mark Rennie and Best Beverage and a number of restaurants the Entertainment Commission permits.

9. Discussion of agenda items for future Entertainment Commission Meetings.

There was nothing to add to the agenda.

10. Adjournment. 6:30 P.M.

Respectfully Submitted by Crystal Stewart.

City and County of San Francisco
Entertainment Commission

May 17, 2005

Notice and Agenda for Meeting

Tuesday, May 17, 2005 at 5:00 P.M.

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Room 406, City Hall

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the Regular Entertainment Commission meeting of May 3, 2005. **[Action Item]**

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

- **a)O'Malley, Colin & John Guiffre, dba, "JohnColins" 90 Natoma St., Place of Entertainment.**

- b)Viner, Ilga, dba "Russian Bear Restaurant " 939 Clement St., Place of Entertainment.

- c)McGrath, Martina, dba "Blackthorn Tavern" 834 Irving Street, Place of Entertainment.

- d)Gaitan, Domingo, dba "Dominic's Club," 65A 29th Street, Place of Entertainment

- e)Lustberg, Alex, dba "SupperClub San Francisco," 657 Harrison St, Place of

Entertainment/Ext. Hours Premises.

- f)Au, Patrick C., & Chung, Eric, dba "Cat Club," 1190 Folsom Street, Place of Entertainment/Ext. Hours Premises.

3. Commissioner Comments and Questions.

4. Report from the Executive Committee. (Jordan Shlain, Chair)

5. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of: Castro Legislation, Street Performers Legislation, and Arts Task Force. Update on The Badlands, and the Entertainment Commission Budget for 2005-2006.

6. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. [Action Item]

7. Adjournment.

Please see attached for the Entertainment Commission's interim policy on

accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Sunshine Ordinance Task Force

Donna Hall, Administrator

City Hall, Room 409

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102-4689

Office: (415) 554-7724

(Fax): (415) 554-7854

(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

May 17, 2005

MINUTES OF THE

May 17, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Jim Meko

Terrance Alan

Joseph Pred

Bowman Leong

Jordan Shlain

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:12 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Jim Meko and, Bowman Leong, Jordan Shlain and Audrey Joseph.

Absent at the time of roll call were:

Bruce Lorin.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT

No Public comment.

1. Review and approve minutes of the Regular Entertainment Commission meeting of May 3, 2005

Public comment

No public comment.

Commissioner Alan arrived at 5:13P.M.

the Minutes of May 3, 2005

Commissioner Meko seconded the

Motion.

VOTE:

AYES - Commissioner Meko, Commission Alan Commissioner Leong and Commissioner Shlain and Commissioner Joseph

NOES - None

ABESENT - Commissioner Lorin

ABSTAIN - Commissioner Pred

Chair Joseph stated Captain O'Neil requested that item 2B be moved out of order on the agenda and make it 2A.

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

- a)Viner, Ilga, dba "Russian Bear Restaurant " 939 Clement St., Place of Entertainment.

Bob Davis stated the current owner applied for a Place of Entertainment and

submitted the application on April 13, 2005. He added a permit was issued in 1997 to the previous owner. He added the previous owner surrendered their permit in March of 2004 and notice was sent to the station however entertainment continued had continued at the Russian Bear without them surrendering their permit. He added there were numerous letters from neighbors regarding activities at and around the Russian Bear. He added there were some violations that could be pending and staff was not prepared to recommend approval at this time.

Eric Whittaker requested a continuance to resolve the concerns of the city and the neighborhood. He added it would be in her best interest to pull the application.

Chair Joseph asked Eric to relay to the applicant to not have entertainment if the commission continued the item because they were in violation.

Eric Whittaker stated the applicant took the space over and things did not go well financially. He added do to the stress and making some poor decisions she decided to start doing one-offs once a month throwing hip-hop parties and disco tech events and one point she was hiding under her desk and was truly frighten for her life. He added he did not believe the applicant would be throwing a party. He suggested to the applicant not throw parties.

Captain Tong, commanding officer at San Francisco Richmond Police station stated they submitting their chronological report of what had been occurring in the reports they had been getting from the merchants and residents regarding the no permit at the Russian Bear. She stated the police station did not go out of their way to revoke permits for businesses and only got involved when there were complaints. She added they have had numerous complaints and was opposed to the applicant being issued a permit and spoke with the owner to not have live entertainment.

Commissioner Meko asked Captain Tong if the establishment had operated in a manner that had harmed the public health, safety or welfare by significantly increasing pedestrian traffic, incidents of disorderly conduct or the level of noise in the area in which the premises are located and the permitted had failed after being requested by the police department or entertainment commission to take reasonable steps to elevate their conditions.

Captain Tong stated they had violated the code. She added the merchants and residents had problems with urination and graffiti on their buildings. She added the neighbors were impacted.

Commissioner Alan asked if Captain Tong if there would be a way the Entertainment Commission could condition the license so that the impacts that the polices department and the neighbors were experiencing could be eliminated.

Captain Tong stated she believed anything was possible she questioned if it would be successful. She added based on her experience the police had not had a cooperative working relationship with the owners and had asked them not to throw events based on complaints. She added she was skeptical at this point.

Jill Colony stated she spoke to the Fire Department and she wasn't sure if they had a public assembly permit and may not be able to be open.

Irwin Phillips, president of the Clement Merchants Association and past president of Council of District Merchants Association. He stated he had complaints from merchants and residents about the activities at the Russian Bear. He added some of the merchants stated there had to be 11 police cars to control the crowds in the streets after overflowing the Russian Bear. He added a merchant witnessed painting of the parking meters and doors. He added they were opposed to the Russian Bear because of their past track record it was not good for the neighbors or the merchants.

Ron Miguel, president of the Planning Association for the Richmond. He added there was a letter submitted to the Commission to deny the permit to the Russian Bear. He added appreciated Chair Joseph's possible concern about postponing a decision and he understood why. He added he was opposed to the commission issuing a permit because he had no fate in the question that Commission Alan asked Captain Tong about the applicant being able to honor the police request.

David Friedman resident and business owner in San Francisco stated any night when the Russian Bear had a party the noise started early in the evening and they had no parking and there was traffic. He added there was noise loud noise imitating from the cars and they blocked parking areas. He added there was defecation issues and the club had a problem controlling their patrons. He added they were disturbing the peace and it was no longer a quiet neighborhood. He opposed the permit.

MaryAnn Duke has been a resident in the area for 13 years. She added when the Russian Bear had entertainment she usually had to call the police and people were in the intersection. She added there were yelling and noise outside and it took place between 10:00 P.M. and 2:00 A.M. She added she was against them getting their license.

Frank Yee owns a 7 Eleven franchise across the street from the Russian Bear and opposed the Commission granting their permit. He added there were groups of people who vandalized the store and on the following morning he hears complaints of graffiti in the neighborhood and has witness urination and fights.

Jeff King resident in the area and is opposition to the Russian Bear receiving a permit. He added he had concerns of the safety issue and the nature of parties that had been happening at the Russian Bear. He added it was disturbing when the crowds were released after the club let out and there was no security present. He added the venue was not conducive to the neighborhood and the Russian was not concerned about the neighborhood or complaints.

Rabbi Bentzion from United Schneerson Synagogues stated June 15, 2005 stated he was in support of the venue. He added they had made a mistake and needed to be given a chance.

David Heller a merchant and president of Geary Blvd. Merchant Association. He added they should not receive a permit because they had not addressed the rules. He added they were supposed to have valet parking and security people outside on Clement Street and were suppose to stop the music at a certain time. He added they were in violations. He asked the commission not to grant their license.

Boris Moldavsky, a Russian veteran stated the restaurant had been in business for 10 years. He added Russians attended the restaurant to have a good time and spend time with family. He added he did not agree with the previous speakers because most of the time the people that attend the restaurants were elderly veterans. He added the Russian Bear was the only kind of restaurant in the city and parking was an issue for everyone in the city.

Lt. Schlotz stated the applicant had a month-to-month hold over tenancy lease. She was the principle shareholder and manager of the corporation and assumed she had the control of the business she old officer Connolly on March 13, 2005 that she would not book any further parties then again on March 22, 2005 she said she only had one party and she could not helped that so many people came and was advised again that she did not have a active Place of entertainment permit they were not transferable. She added she argued with officer Colony and stated again she would not have any further parties. She added on April 16, 05 she argued again with Sgt. Blackwell in a response to a complaint and told them she had a valid entertainment permit and was told again she did not have a valid permit. She added in the past year she had received complaints about major problems outside the Russian Bear and did not believe that they should be granted a permit. She added there had only been one other major complaint, which was Kelly's Mission Rock since she had been coming for the past two years in front of the Entertainment Commission. She added they should stay a restaurant because they did not have these problems some year ago.

Efim Brik, president of the San Francisco Association of Veterans WW-II. He added there were more than 500 veterans of World War II in San Francisco ages 83 to 93 years old and just celebrated victory of World War II. He added they like the space because there was no such space in San Francisco to get all veterans together and it was a big place to get the huge community of veterans together. He added why were they ignoring the Russian Bear restaurant, which was working a couple days of week. He added what kind of noise could elderly people make at their age in their conditions. He encouraged the commission to issue the Russian bear their permit.

Ron Kaeslman, owner of Photo California he added he worked at the Russian Bear two of three times a month because it was the only Russian Restaurants in San Francisco. He added the venue was a good venue for Russian Elder immigrants. He added he had never seen any problems outside the venue and saw professional security guards.

Elena Lerner a registered nurse in San Francisco stated she added people enjoyed the Russian Bear. She added she did not remember any problems and she did not understand people who did not appreciate the Russian community.

Public Comment

Public comment closed.

Chair Joseph stated the commission was not the agency that licensed restaurants to serve food. She added the commission was not trying to close the Russian Bear Restaurant it was the nighttime entertainment that was in question. She added Police Code 1060.1 stated a permit required and a fine and imprisonment if it was continued and advised Mr. Whittaker to advise the applicant.

Commissioner Leong stated he could validate some of the things speakers addressed from driving by the venue at night.

Commissioner Alan moved to continue the item to the call of the chair
Commissioner Shlain seconded the motion.

VOTE:

AYES - Commission Alan, Commissioner Shlain, Commissioner Joseph and Commissioner Meko

NOES - Commissioner Pred and Commissioner Leong

ABESENT - Commissioner Lorin

- b)O'Malley, Colin & John Guiffre, dba, "JohnColins" 90 Natoma St., Place of Entertainment

Jocelyn Kane stated the applicants applied in early April for a Place of Entertainment to open a bar. She added planning indicated it's a permitted use and there were some conditions from Southern station and there were no oppositions and staff recommended conditional grant of the permit.

John Guiffre stated he and his partner John Collins were first time business owners in San Francisco and planned on opening an upscale cocktail lounge in the downtown area. He added he had been in contact with the neighbors to keep them aware of their activity and process and style of their establishment.

Commissioner Alan stated it would be in the best interest of the applicant to have all their staff to attend LEAD training provided by the ABC. He added the door person to understand the responsibilities for the management of the door. He added comments were more counsel and advice and not conditions. He asked the applicant to describe their sound system.

Mr. Guiffre stated he was putting in a sound baffling wall and a sound curtain. He added he would get back to the commission on the specific of the sound system.

Public Comment

No Public Comment.

Commissioner Leong moved to

conditionally approve

Commissioner Shlain seconded the

Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain,

Commissioner Josephand Commissioner Leong

NOES - None

ABESENT - Commissioner Lorin

- **c)McGrath, Martina, dba "Blackthorn Tavern" 834 Irving Street, Place of Entertainment.**

Bob Davis stated the applicant applied for a Place of Entertainment on April 15, 2005. He added planned entertainment included DJ's and live music and cover bands. He added the establishment had a type 47 license and planning determined entertainment was permitted. He added Company 1 recommended denial of the permit applicants based on numerous complaints and letters old an new were received by staff. He added most of the complaints were made under a different management. He added Taraval submitted a list of conditions should the Entertainment Commission consider approval. He added staff was in favor of the conditions except for item No. 4 and No. 2 and approval for Noise Abatement was received.

Mark Rennie stated it was a well-managed venue. He added it had been a license entertainment venue since the 1970's and the zoning was a NC2. He added the applicant would add sound curtains inside and outside patio door to help with neighborhood issues of sound. He added they were changing the speakers to cut down on sound bleed. He added they have received all approvals and were waiting for an approval from the Fire Department. He added the neighborhood issues of sound were being addressed and her security staff would take LEAD training and the employees have been informed of the Good Neighbor Policy. He asked the commission conditionally grant the application with the exception of condition No. 4 no amplified music is permitted and No. 9 requesting no hard rock or heavy metal music.

Chair Joseph stated there was a letter stating that musicians regularly perform at the front of the bar. She added would musicians perform at the front of the bar.

Ms. Martina McGraff stated the musicians had been playing at the front of the bar and they were going to bring them to the front of the bar. She added they would have the musicians to the back of the bar and would have sound curtains put in. She added she would meet with a sound person to address some of the sound issues.

Chair Joseph asked if she looked into sound proofing the glass in the front of the bar.

Ms. McGraff stated she did not but would look into it. She added when she worked with the sound technician she would make sure the music stayed in the bar.

Chair Joseph asked if Ms. McGraff brought in a band how would she control the band

from turning up the amplifiers they used for their instruments.

Ms. McGraff she added with a brick wall that would be added to the bar.

Commissioner Meko stated there were concerns from the neighbors of the sound going towards the back patio. He added while she was having entertainment would people be allowed to go out the patio area were the music was playing.

Ms. Mc Graff stated they would be allowed on the patio area. She added when the patio doors were closed they would go to another hallway were they would hang a sound curtain and patrons would enter to another door were there would also be a sound curtain.

Commissioner Meko asked if they would allowed smoking and was it an issue with the neighbors and how would she mitigate the issue of smokers on the patio.

Ms. McGraff stated smoking was allowed and she was addressing the issues with security and by posting signs and telling patrons to keep the noise to a minimum. She added she was looking into covering part of the patio with a heavier canvas.

Commissioner Alan stated it was important for the applicant to know that patrons going outside would create noise and urged the applicant to explore baffling and sound absorb and what ever else was possible so that the applicant could create a environment that she did not have to worry about what was going on in that area and concentrate on running her business. He added the problems would occur in the back and could affect her business. He added she should create an environment by designed rather than by behavioral control.

Commissioner Pred asked when the applicant took over ownership of the venue and since then what activities to meet and communicate with the neighbors to address the noise issues.

Ms. McGraff stated she took over ownership in mid February. She added she talked to Mr. Lee who had a building next door and he explained the problems he was having with people smoking in front of the bar and cigarette butts on the street. She added she understood and put ashtrays and signs in the front of the building asking patrons if they were going to smoke to use the ashtrays. She added there were noise issues with his tenants and he had problems renting his apartments because of the noise. She added she would do everything in her power to address the issues.

Chair Joseph stated the smoking ordinance was passed and they were forced to have smokers outside in the entertainment business. She added she could control the noise. She added if she covered part of the patio area the applicant could still have a smoking area.

Commissioner Leong stated a resident complained when the establishment had performances the front windows were open.

Ms. McGraff stated she did not have them open during performers.

Public Comment

Jerry Gerber a professional musician and sound engineer who lives across from the Blackthorn Tavern. He added on Friday and Saturday nights the music was so loud they had double-paned windows and had to keep the windows closed. He added the music was only one problem and the biggest problem was after 1:30 A.M. when the bar closed people were outside, drinking smoking and yelling leaving bottles around and it was annoying. He added they put up with it because it was only on Friday and Saturday nights and it would be intolerable to have it 5 nights a week. He added any time there was an amplified band it was loud and there was no way to contain the sound that reached a 100 disciples or louder.

Chair Joseph stated there was technology with in house DJ systems that did allow limiters to only let amplification go to a certain level.

Lisa Buchanan lives on 10th avenue. She added her main objection was on Friday and Saturday nights it was a young man drinking, puking and pissing bar. She added she did not want it seven nights a week.

Prince Onyebuchi stated he had lived in the area for over ten years and lives on the second floor in back of the venue. He added the music was so loud he could not sleep at night. He added they have made several reports to the police and no one seem to care and the police were tired of the complaints and objected to the commission granting permit.

Dennis Hyatt stated he was a property manager who managed several commercial and rental properties and he knew the applicant for a long time. He added being in the same business he was aware of what complaints were like. He added it had been his personal experience that most of the complaints came from no caring irresponsible people. He added there was a lot of crap going on over the years but it was not what they were dealing with but whom they were dealing with. He added the applicant

was very responsible and caring and she would work with the neighbors and things would change and she would not turn her back on them.

Yipe Lee stated he was opposed to the applicant's permit. He added there were smoking and cigarette butts left in front of his door. He was opposed to the applicant being issued a permit.

Ark Steffin lives at 838 Irving Street, he stated the band was situated at the front of the bar and the windows were left open to draw in the crowd. He added it had happened in the passed and present and it was not a problem that had been amended. He added the sound curtains helped keep the noise down, and it since then had been changed however events at the venue were loud and annoying and there was an enormous amount of noise outside after the bar closed. He added he hoped the permit did not go through.

Andrea Cianfrani stated she was a representative from her woman soccer team. She added the Blackthorn Tavern was a supporter of their team for the past four years. She added here experience with the Blackthorn Tavern was positive and Ms. McGraw had made improvements of the bar and there was a mark change on the bar and the venue had shown commitment to the community and in general.

Larry Risnick resides behind the patio for the past 18 years. He added his windows shook from the music and it forced him to move his location of his bedroom. He added he could hear the noise all night and the new ownership never came around to speak to the neighbors regarding the complaints. He added the applicant did not care about the residents on 10th Avenue and he called the police on several occasions. He added it was a lose-lose situation to have amplified sound at the Blackthorn Tavern. He added the applicant should go back to acoustical music.

Mohamed Amid resides next to the bar. He added he and his family were disturbed by the noise and it kept them up at night. He added the notice was not sufficient and they could not view it clearly. She added the applicant did not respect the neighbors. He added he respected the applicant but she needed to address the sound issues.

Denna Amid stated she lived near the venue and it was hard to sleep at night. She added she had safety concerns for her neighborhood. She asked the commission not to grant to the permit.

Sophia Amid she added she could not sleep at night until 2:00 AM. She added it would be nice if the area were she lived was safe and clear of cigarette butts because there

were kids in the neighborhood.

Selsa Amid she lived next door and the noise disturbed the smoking attributed to her allergies. She added her husband had high blood pressure and was stressed out about the noise and profanity from the venue.

Robert Salis a resident in the area. He added as far as he understood there was live music in the area since the early mind 70's. He added he did not understand people being bothered by the noise and why anyone would want to live above a Tavern. He added there were a lot of stores in the area and one that stayed open until 2:00 A.M. and sold snacks and liquor. He added he supported live music and it was hurting the culture of the city of San Francisco to not have venues like the Black Tavern in the neighborhood.

Paul Geradly resides 1260 9th Avenue and had great sympathy of the people who had problems with the noise. He added the new owners were taking measures to become good neighbors. He added he was in support of the venue.

Ingis McCarthy stated he was the culprit stated he was the culprit that started the bar back in 1992 and back then it was called the Golden Grommet an it was a brilliant entertainment live venue and there was almost thirty years of entertainment at the location and had always been at a disadvantage because of the location. He added it was about a bar staying in the community and hoped the commission would reinstate the tradition.

Thomas McGraw stated he was the bar manager of the Blackthorn Tavern he added the entire sound system was being taking out and sound curtains were being put in and they were making changes to keep the sound system inside the bar.

Public comment closed.

Chair Joseph stated she had concerns about the bottles of liquor being brought outside. She added the applicant could be in violation of the ABC law and the police could close her down. She added the applicant had to take responsibility of her business and do due diligence.

Ms. McGraw stated she was not aware that liquor when the liquor was being brought outside her venue.

Chair Joseph asked how would it affect the applicant's business if the commission conditioned her permit so the applicant could not open her windows at anytime day or night when there was live entertainment. She asked what the applicant did to disburse the crows at the end of the night.

Ms. McGraw stated she would agree to the condition of having her windows closed during live entertainment performances in her venue. She added after last call they called as many as cabs as they could to pickup patrons and told patrons to move along.

Chair Joseph stated she should put sound system up so the sound did not go into the floor and she must have a compressor limiter and to be set to reasonable levels.

Commissioner Meko moved to approve the permit with conditions recommended by the police department with the exception of no amplified and no hard rock and heavy metal bands with the additions of the Good Neighbor Police of the entertainment Commission. Commissioner Alan seconded the motion with the friendly amendment.

Commissioner Alan stated he had concerns about the applicant's outside patio. He added the described efforts for reducing the impact noise was going to be insufficient to be a good neighbor and the applicant should have a sound abatement test be taken.

Commissioner Leong concerns were the complaint letters were fairly recent. He added it seemed that some of the same things were continuing under the new management.

Commissioner Meko stated No. 1 the applicant shall contain all sound to the premises in conformity to the noise abatement ordinance. No. 2 No outside speakers, No. 3 responds to and resolve tenant neighbor complaints of excessive noise, No. 5 Doors and windows to remain closed during periods of entertainment. No. 6, if outside is to be utilize for entertainment all noise shall be contained to the area to not disturb neighbors, No. 7 No music on the patio, No. 8 Door personal to monitor patrons outside of premises to elevate noise complaints. No. 10 maintains sound curtains at the front and rear doors. He added the Good Neighbor Policy should be added and the friendly amendment accepted from Commissioner Alan.

Commissioner Pred stated he was inclined to continue the item so the applicant to address some of the issues. He strongly urged the applicant to build the community relationships with the neighbors so the applicant's business could thrive.

Public Comment

No public comment.

Commissioner Meko moved to approve

Commissioner Alan seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain and Commissioner Joseph

NOES - Commissioner Leong

ABESENT - Commissioner Lorin

- d)Gaitan, Domingo, dba "Dominic's Club," 65A 29th Street, Place of Entertainment.

Jocelyn Kane stated the application was submitted in late March 2005 for entertainment including live salsa and Latin music. She added they were present at the last meeting but staff requested a postponement based on because a North West Bernal Alliance Neighborhood Group the applicant and the neighborhood group met and signed a set of conditions they agreed to that was given by the neighborhood group. She added staff recommended conditional approval.

Commissioner Alan asked if the request for hours of entertainment requested by the applicant. He added was condition No. 7 No type of reduced price alcoholic beverage promotion i.e. happy hour shall be permitted and how it came about. He asked why the pay preview sporting events were prohibited.

Domingo Gaitan stated he set the hours out of respect for the neighbors. He added when he applied for the liquor license they told him there were no happy hours in the mission district. He added he did not have the sports events due to potential fights at the venue.

Public Comment

John Wood with the SFLNC stated it was his understanding the commission did not insert conditions from neighborhoods. He added they did not necessarily have to be inserted as conditions into the permit.

Bob Davis stated the commission could include them or not include them.

Captain O'Neil stated past practice was if you took into consideration when permits were under the jurisdiction of the police department if it were a contested permit it was up to the hearing officer they could considered them and it was made part of the permit.

Public comment closed.

Commissioner Meko moved to approve

with the conditions with the conditions

negotionated with the neighborhood

Commissioner Leong seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Pred, Commissioner LeongCommissioner Shlain and Commissioner Joseph

NOES - Commission Alan

ABESENT - Commissioner Lorin

- e)Lustberg, Alex, dba "SupperClub San Francisco," 657 Harrison St, Place of Entertainment/Ext. Hours Premises.

Bob Davis stated the permit application for a Place of Entertainment extended hours premises was submitted on April 18, 2005. He added it was an upscale restaurant that plans to present entertainment in many forms. He added the applicant requested hours for 24 per day and a place of entertainment until 6:00 A.M. to 2:00 A.M. and the extended hours permit would be from 2:00 A.M. to 6:00 A.M.

John Wood stated the SupperClub was a international level project that involved innovative design, fine food and art entertainment environment. He added he

became involved with the project in December 2003 when he met with the applicant and the redevelopment agency staff. He added they recommended meetings with different neighborhood groups and identified the players they needed to do outreach to. He added there had been extensive outreach to neighborhood groups. He added the building was made of concrete and there will be soundproofing made by the actual construction of the facility and they did not anticipate any sound problems or neighborhood issues.

Alex Lustberg stated he was one of the partners and business managers for the project. He showed pictures of the SupperClub in Amsterdam and Rome. He added the venue was a marriage of excellent food and entertainment and would be a platform for merging art in the city in which it's located. He added it was a very exciting project for the city.

Chair Joseph asked would the sound be 98 decimals if it were pushed to the max. She added would the applicant be willing to having his staff have guard card training. She added the applicant promised Mr. Doitman they would have valet parking that would end at 2:00 A.M.

Mr. Lustberg stated the sound would probably be more and he said it was a reasonable request to have the guard training.

Tad Glotherm is the general of the SupperClub stated Mr. Doitman wrote one of the three letters opposing their liquor license. He added he was highly concerned about the club on Harrison between 3rd and 4th street. He added his apartment overlooks the parking lot of the City Nights for 18 and over. He added Mr. Deutman felt that clubs increased public violence and felt it would increase problems in the neighborhood as well as traffic.

Commissioner Leong asked if Mr. Deutman wrote a letter to resend his first protest letter.

Mr. Glotherm stated he did write a letter and it took several months for them to guaranteed to him the neighborhood would be improved by his situation. He added the implemented a security phone number that he and other neighbors could call if there was any kind of disturbance around there building that a manager could respond to.

Commissioner Alan asked was the applicant going to file for an exemption so that 18 year olds and adults could stay in the venue past 2:00 A.M.

Mr. Lustberg stated they would like to build that flexibility into the model.

John Wood stated they did not agree with officer Rose Meyer's condition that after food was being served it would revert to 21 years and older.

Public Comment

Mr. George Deutman stated there were a couple things they needed to get straight. He added he did protest their alcohol license and they assured him they would close their venue at 2:00 AM. He added they did do neighborhood outreached but they failed to go to 88 Perry Street, which is less than a 100 feet away from their restaurant. He added they were interested because there are two parking lots near their building. He added there were problems with City Nights nightclub when they let out and they regular saw fights, battery, car theft and shootings.

He added if the permit was approved there were be issues with parking and there would be nothing but problems with the venue. He added if the Supper Club did not work the neighborhood would get stuck with another city nightclub. He suggested that the commission put in a program be implemented so the parking lots between 3rd and Harrison should be patrolled from 1:00 A.M. to 5:00 A.M. in the morning.

Chair Joseph stated the commission could not asked parking lots to be patrolled because they were private property. She added City nights had four 10B officers on duty while they were opened. She added the venue could bring a upscale group of people into the neighborhood. She added they were valet parking and it should not be a problem.

Mr. Deutman stated that valet parking was used rarely.

Commissioner Pred stated the commission did hold permit holders accountable. He added the venue did not yet have a permit and the commission could not hold them for problems that did not yet exist. He added the commission could not prevent a permit to be issued to an applicant based on a potential problem. He added they had the opportunity like any other business in San Francisco to conduct themselves in a proper manner and if they did not he could come to the commission and with his complaints and if it fell under the commissions purview the commission could take

action and until that time the commission could not punish the applicant for a crime they had not yet committed.

Mr. Duetman stated that the people that lived at 88 Perry Street should be considered when the commission considered granting them a permit because there were a low-income housing and did not make any money and the commission was making a decision that would affect the poorest members of the society.

Commissioner Alan stated the commission was making the decisions to increase the tax base so the poorest members of our city could receive services that they come to expect in San Francisco. He added if you provide a business model for the city that gutted it of its businesses the residences especially the poorest ones would be the most hurt. He added the important thing was to take away an understanding that the commission was really diligent in making sure its permitees understood the rules and adhered to them. He added they needed to give them the opportunity to make it work and it could be the beginning of a change for the better.

Jim Ash stated he was a five year resident of the south street area and was excited about the venue and supported the project.

Public comment closed.

Commissioner Alan moved to approve to

conditionally grant the permit made with

the understanding to strike

Southern Station permit requirements

and substitute the knowledge that the

redevelopment conditions must follow the

Permit and add the Good Neighbor Policy Commissioner Meko seconded the

Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Pred, Commission Alan, Commissioner LeongCommissioner Shlain and Commissioner Joseph

NOES - None

ABESENT - Commissioner Lorin

- f)Au, Patrick C., & Chung, Eric, dba "Cat Club," 1190 Folsom Street, Place of Entertainment/Ext. Hours Premises.

Bob Davis stated the applicant applied for a place of entertainment and a extended hours premise on April 6, 2005 to continue operations requested approval for live bands DJ's. He added the application was before the commission on May 3, 2005 and was conditionally granted. He added due to a staff error the notice was posted for May 17, 2005 and therefore is before the commission for review.

Public Comment

No public comment.

Commissioner Meko moved to rescind the approval from last weeks permit for the Cat Club Commissioner Leong second the Motion.

VOTE:

AYES - Commissioner Meko, Commission Alan, Commissioner Leong, Commissioner Shlain and Commissioner Joseph

ABSTAIN- Commissioner Pred

NOES - None

ABESENT - Commissioner Lorin

Chair Joseph asked if the applicant's security staff had guard cards and lead training. She added did the applicant patrol the back of their building. She added what the applicant was doing about noise issues.

Randy Maupin stated a couple his security staff had guard cards and some of his staff had LEAD training. He added the security guards checked the area because they had a homeless problem. He added they would be moving their door so they could no longer sleep in the doorway and adding additional lighting as well as the front of the building. He added he had supplied a cell number for complaints.

Commissioner Alan stated the previous owner was involved in a large noise abatement project in the back room. He added he was under the impression that the work had resulted in the containment of the noise of the sound system if the applicant agreed system in the back room. He added there was a letter dated May 17, 2005 that indicated the noise level from the club was unbearable several nights of the week. He added could the applicant she some light on the issues of sound.

Mr. Maupin stated the main soundproofing that was being done was the interior wall in front of the DJ booth. He added they had not had a sound complaint in some time.

Commissioner Alan asked if the gentleman that wrote the letter sound noise was loud inside of his unit and had to wear headphones to contain the noise. He added that he found it unusual that the previous owner put money and work into the sound system and the commission had heard nothing up until this point and wondered was the noise was unbearable all this time.

Mr. Maupin stated Eric met with the gentleman who complained of the noise last week.

Eric Chung stated he met with Mike last week and they walked through the building and found out it was the ventilation motor was creating the noise and additional soundproofing would be done.

Chair Joseph stated she visited the venue on Friday night and was able to hold a conversation in the establishment.

Commissioner Pred stated he echoed Chair Joseph's comments that the sound volume in the venue was at a level where you could hold a conversation.

Commissioner Meko stated with the Good Neighbor Policy that would be attached to the permit. He added one of the requirements was to make a cell phone number available to everyone in the surrounding area that will be answered at all times they have entertainment by someone who could make a immediate decision to rectify the problem.

Public Comment

John Paul Scott stated the president of the 73 Sumner Street stated there was some misrepresentation and the conversation with Mike was a little thin on the side. He added he did not resolve anything and to his understanding the acoustic work was never preformed by the previous owner. He added the back sixty feet of the building was nothing more than a tin shed and the sound coming out of the venue vibrated until 3:00 A.M. in the morning. He added he was trying to contact the owner and they found out the notice of the hearing was moved off the front of the building and found out the hearing was today. He added there had been no contact with them. He added that they did not mind the business it was the homeless and the junkies that hung out at the hole. He added if they moved the door and put some lighting outside and got rid of their dumpster off the street the residents would be happy. He added they needed to have the sound issue taken care of. He added the soundproofing had to be done properly and it was a firetrap. He asked that the item be continue to meet with the owner and the HOA to work out the issues.

Chair Joseph stated the noticed was posted on April 6, 2005 and was required to be posted for 30 days the notice could be taken down after the 30 days and could be taken down on May 7, 2005. She added if it was not posted after the date and he did not see it the applicant was not in violation. She added he was correct about the dumpster being on the street DPW stated a dumpster may not live on the street or sidewalk and had to be rolled up. She added when the applicant applied for a Place of Entertainment permit the applicant had to go through a variety of inspections.

Mr. Scott stated it was a misrepresentation to say the residents on Sumner and Clementina were in agreement with the after hours permit. He added they had not been contacted or worked with He added they liked the business and wanted it to stay but wanted some involvement and some control on the sound. He added the item should be continued until they could see the things in writing.

Lt. Schlotz stated she was tasked with looking at the police print out on police calls on the Cat Club and there had been twelve in the past 41/2 and half months. She added ten calls were in January, one was in February and one was in March. She added there were seven disturbance calls and a couple one cancelled and one not handled. She added one intoxicated person, one suspicious person and one fight. She added as of April and May she had no calls from the computer printout.

John Wood stated the Cat Club had an after hour permit for a long time and one of the benefits with a new applicant they had to pass a sound test in order to get their permit. He added the needed to work with there neighbors as well but it was not a reason to continue the item. He added he had known the applicants for sometime and they were very responsive and nice people that were engaged in their businesses. He added they would be a better neighbor then the previous applicant.

Public comment closed.

Commissioner Alan made a friendly amendment to strike southern stations recommendations and use the Entertainment Commission Good Neighbor Policy

Commissioner Pred accepted the friendly amendment.

Chair Joseph stated a club should not be held responsible for homeless situation in their doorway when they were not there or closed.

Commissioner Leong encouraged Patrick and Eric to communicate with the neighbors more. He added he has known the applicants for years and they had always come across professional and corporative.

Commissioner Meko stated the Commission was not ignoring the sound issue. He added the permit would have conditions and must operate with conformity of the sound abatement laws of the city.

Commissioner Pred moved to conditionally grant the permit striking southern stations conditions replacing it with the Entertainment Commission Good Neighbor Policy recommendations Commissioner Leong second the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Pred, Commission Alan, Commissioner LeongCommissioner Shlain and Commissioner Joseph

NOES - None

ABESENT - Commissioner Lorin

3. Commissioner Comments and Questions

Commissioner Pred stated there were times when a commissioner had strong feelings to vote against something in particular instead of stated their feelings and opinions and potentially swaying other folks to their opinion they simply voted no with no explanation. He added it would be in the commission's best interest at times to share their thoughts.

Commissioner Alan stated World Environment Day Celebration would be held at the Blue Cube June 4, 2005. He added the Tenderloin had been the first community to create and receive the necessary 30 percentage petition rate for a community benefit and there would be a Zoot Suit fundraiser on May 25, 2005 at the Blue Cube. He added on Wednesday June 1, 2005 there would be a meet and greet sponsored by assemblyman Mark Leno at the Blue Cube and the San Francisco Late Night Coalition from 5:00 P.M. to 7:30 P.M.

He added the Bay to Breakers was a success and they looked to increase the size of the event next year. He added a project called Scrap House will be created in between the Asian Art Museum and the public Library for a two-week street closure designed by leading architects will have an entertainment function to kick off the event.

Commissioner Meko stated on Friday at 2:00 P.M. the appointees to the Western Soma Citizen Planning Task Force would be sworn in the Board of Chambers of the Board of Supervisor. He added it was a plan to rezone the area to make it a better place for everyone who lived worked and played in the area.

Chair Joseph stated she had a conversation by an instructor licensed by the state to give Guard card training. She added the manual will be sent to her on what the state required.

Report from the Executive Committee. (Jordan Shlain, Chair)

No report was given.

8. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

No report was given.

9. Discussion of agenda items for future

Entertainment Commission Meetings.

There was nothing to add to the agenda.

10. Adjournment. 9:03 P.M.

Respectfully Submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, June 7, 2005 at 5:00 P.M.
Room 408, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

DOCUMENTS DEPT.

JUN - 3 2005

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Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the Regular Entertainment Commission meeting of May 17, 2005. **[Action Item]**

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Bebianno, Claudio, dba "Favela," 50 Brady Street, Place of Entertainment.**

b) **Kaplan, Joseph, dba "Club 222," 222 Hyde Street, Place of Entertainment.**

c) **Segura, John, dba "The Knockout," 3223 Mission Street, Place of Entertainment, Billiard Parlor & Mechanical Amusement Device.**

3. Commissioner Comments and Questions.

4. Report from the Executive Committee. (Jordan Shlain, Chair

5. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of: Update on the Badlands and the Entertainment Commission Budget for 2005-2006.

6. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

7. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room **408** is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724

(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

June 7, 2005

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June 7, 2005 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

COMMISSIONERS

Present

Jim Meko

Terrance Alan

Joseph Pred

Bowman Leong

Jordan Shlain

Bruce Lorin

STAFF

Present

Robert Davis, Executive Dir.

Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:15 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko and, Bowman Leong, Jordan Shlain and Audrey Joseph.

Absent at the time of roll call were:

None

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT

John Nulty stated the agenda for the meeting was not on the website and he stated he was on the email list and did not receive notice.

Captain O'Neil stated often times they did not get their notices until late.

Bob Davis stated it was not posted on the website but it was posted at the standard places that included the venue, the library and city hall and they were considered legal notice and apologized for not posting it on the website.

Captain O'Neil police department, stated on frequent occasions they have submitted their postings on time and sometimes there were some errors beyond their capabilities to control. He added they have been the victims of the bureaucratic system themselves.

Barry Toronto stated he found the Entertainment Commission's agenda was not posted by Saturday he added the website master was somehow leaving the commission out. He added why was Kane not officially on ISCOTT he added it was important because there were a lot of issues involving entertainment that came before ISCOTT or related to street closures. He added Captain Tacchini and Central station was going to make a proposal to eliminate parking on the parking lanes between Columbus and Sansome. He added he would make suggestion for passengers loading and unloading. He added it would be great if a representative from the Entertainment Commission were a part of the discussions. He reminded the commission that 181 Eddy Street allowed parking in front of their venue and still did not do a good job with the traffic.

Bob Davis stated the legislation that would make Jocelyn Kane a voting member was tied up by the Health Department and they were looking for a sponsor to bring it forward. He added Captain Tacchini had held meeting regarding the troubles they have had over the summer in the North Beach area and the ISCOTT meeting will determine what the boundaries will be and cab stands were a request. He added the Entertainment Commission was aware of it.

Michael Nulty stated he was a nearby neighbor of 181 Eddy Street. He added he had to go through a barrage of people that hung out in front of the establishment. He added they recently applied for an ABC liquor license and the only time the community had input was when they were doing their permitting. He added the neighbors did not want to see the liquor license happen so the establishment kept their old license to ignore any public scrutiny of their business. He added the nearby were outraged of how they conduct their establishment. He added they needed to be more accountable to the neighborhood.

Chair Joseph stated the Mr. Nulty could call the Entertainment Commission with his complaints about venues. She added the commission-monitored complaints of venues.

Public comment closed

Chair Joseph stated the minutes of May 17, 2005 would be continued.

1. Review and approve minutes of May 17, 2005 of the Regular Entertainment Commission meeting of May 17, 2005

Public Comment

No Public Comment

Commissioner Pred moved to continue

the minutes of May 17, 2005

Commissioner Leong seconded

the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain and Commissioner JosephCommissioner Lorin Commissioner Leong

NOES - None

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

- Bebianno, Claudio, dba "Favela," 50 Brady Street, Place of Entertainment.

Bob Davis stated the applicant applied for a permit on April 21, 2005 to have live and DJ entertainment focused on Brazilian culture in a 49 seat café hours of op 2:00 A.M. He added the applicant had held one permitted event to introduce neighbors to the new concept. He added the neighbor's comments were included in the commissioner's packages and were positive. He added staff recommends approval.

Claudio Bebianno stated his intention was to have a place of entertainment focusing on a Brazilian Culture. He added they wanted to expose their culture to the rest of the neighborhood and San Francisco. He added there were certain concerns of the neighborhood that he addressed with them and would do his best minimize any possibilities of disturbance in the neighborhood to the best to his ability.

Commissioner Meko asked how the applicant's one night event went.

Mr. Bebianno stated he did the one night event to see how things would work out.

Public Comment

Shirley Rafieetary stated they wanted Favela to succeed. She added an event on April 22, 2005. She added Jocelyn Kane gave the Good Neighbor policy to Claudio and some of the policies were ignored. She added there was people standing in front of the establishment making noise and cars blocked the entrance to their residents. She suggested they put their smoking area on the Colton avenue were there were no residents. She added the morning after the events there was trash left in the area that both establishments in the area did not clean up and the neighbors had to clean up themselves.

Chair Joseph asked if the trash was there prior to Favela's opening event.

Ms. Rafieetary stated the mess was not there prior to the event because they had a agreement with the Power Exchange to clean up their mess after events.

Commission Meko reviewed a couple of points from the Good Neighbor Policy. He added employees of the establish must walk a 100 foot radius from the premise sometime between thirty minutes after closing time and 8:00 A.M. the following morning and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons. He added the applicant had to workout a way to keep the venue closed up. He added the applicant's noise could not be audible in any surrounding residents or business. He added a cell phone number should be provided to concerned neighbors and to be answered at all times.

Mr. Claudio Babianno stated the issues that were going on around the area things were not from his one night event.

Alex Cotta who is the partner at Favela. He added he personally walked the 100 feet after the event was over to check for bottles and empty containers. He added he did not live in the neighborhood but a complaint from Mr. Babianno stated the fesses and urine and vomit problems have been happening for a while due to the power exchange. He added it was an on-going problem.

Barry Taranto stated the issue was to differentiate the two. He added he had known Alex for a long time and he was dependable and he would do well with his business. He added the security would help the situation. He added they should allow a pickup and drop off in front of their establishment. He added it was a positive to move to have another business and the neighbors would benefit from the extra security in the area.

Public comment closed.

Chair Joseph stated the street clean up should be coordinated by the clubs in the area. She added Brady street had other businesses on the side of Market Street were there was foot traffic. She added the police should be called for illegal parking and the applicant should have a double door.

Bob Davis stated The Power Exchange spoke with staff on addresses the issues of trash and urine in the area and had a program and wanted to work with Claudio to expand their general area of cleanup. He added Jocelyn would talk to would talk to ISCOTT about the parking issue.

Chair Joseph stated the residents should call the police if someone is blocking their driveway and have them towed. She added the applicant should have a double barrier on the door for the issues of sound.

Commissioner Lorin stated it was not right for the residents to have to call the police every 15 minutes if there were someone at the venue. He added if the club was catering to that type of cliental that would double park, he added a responsible club owner would have their employees stationed outside to discourage people form double parking

Commissioner Alan stated he agreed with Commissioner Lorin's statements. He moved to approve and strike all southern station conditions and insert the Good Neighbor Policy adopted by the Entertainment Commission and insert additional the commission strongly recommends the applicant apply for and obtain a white-zone for

the area in front of his buildings.

Public comment

No public comment.

Commissioner Alan moved to approve the

Commissioner Meko seconded the

Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain,

Commissioner Josephand Commissioner Leong Commissioner Lorin

NOES - None

- Kaplan, Joseph, dba "Club 222," 222 Hyde Street, Place of Entertainment.

Bob Davis stated the applicant applied for a Place of Entertainment permit on May 5, 2005 to entertain patrons with art shows, jazz and DJ music. He added the applicant currently operated a restaurant and wished to enhance his business with art and music. He added planning indicated it was a permitted use without restrictions on hours of operation. He added Company J had recommended approval and there were conditions and staff recommended granting the permit. He added the applicant passed the sound test but staff had not received the paper work back from officer Anzor.

Joe Kaplan stated they opened their business about a year and two months ago. He added they noticed their beset customers wanted to come at night and they decided to open their café a night because business was pretty dead in the daytime. He added the previous venue had a history of jazz legends that recorded their music in the basement of their venue. He added they wanted to bring back that kind of culture into the neighborhood.

Commissioner Meko stated there was one letter of opposition from a person living in the building and there was an up and down history of getting the noise levels adjusted. He asked if the applicant would be putting a limiter on their system.

Mr. Kaplan stated they were adding a limiter and recently worked with a sound technician on the sound issue.

Commissioner Alan asked why he chose to not to permit patrons under 21 years of age to a live music or DJ event held after 10:00 P.M.

Mr. Kaplan stated because they were a small venue and did not have enough employees. He added they could not police the venue if minors were present and did not want to break the law. He added no one ever came in under 21 years of age.

Commissioner Alan asked the applicant if he understood what the actual law said regarding the ABC and their responsibility for underage drinking. He added the applicant should not go forward with an idea in his mind that he could not have youths at his venue.

Commissioner Meko stated the commission was not putting an age condition on his permit. He added it was a policy expressed by one the owners in the way he wanted to conduct his business. He added the conditions from the police department was consistent and stated nothing about age restriction.

Public Comment

Bianca Gutierreze - Kaplan co-owner and manager of Club 222. She added they were terrified of the ABC and they did not want anything to happen to their family business. She added they received awards and there cliental were theatre people who wanted to have wine, pizza and listen to jazz. She added their idea was to bring back jazz to the Tenderloin.

Public Comment

No public comment.

Commissioner Lorin moved to approve

Commissioner Shlain seconded the

Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain,

Commissioner Joseph, Commissioner Leong Commissioner Lorin

NOES - None

- Segura, John, dba "The Knockout," 3223 Mission Street, Place of Entertainment, Billiard Parlor & Mechanical Amusement Device.

Bob Davis stated the applicant applied for permits on May 3, 2005. He added they have been in contact with staff, and meet with the active neighborhood groups and Ingleside station. He added all approvals have signed off. He added staff recommended approval.

John Segura stated they were looking to keep the integrity of the club as far as sound abatement and sound control of the surrounding area. He added they were looking to have live entertainment and two of their bartenders had a combined 25 years of experience. He added they had worked with the neighbors in Bernal Heights to come up with the conditions and they would like the neighborhood to welcome their venue to the neighborhood.

Daniel Seguar stated he was the brother of the applicant.

Chair Joseph asked why the neighborhood association did not want them open until 5:00 P.M. during weekdays.

Mr. Daniel Seguar stated they discussed it with the neighbors at their meetings and the agreement was they would not be open before 5:00 P.M. because they would be natural operating hours for them.

Commissioner Meko asked if the agreement with the Bernal Alliance Neighbors were a product of back and forth negotiations and was he completely comfortable with the conditions.

Mr. Daniel Seguar stated he attended a couple of meetings and had a dialog with them and they discussed it with the neighbors. He added they would address the sidewalk and graffiti in the area of their venue. He added he was not 100 % comfortable with the conditions. He added the happy hour condition was not in their favor.

Chair Joseph asked how would the applicant control the smoking area and would he designate area for smoking.

Mr. Daniel Seguar stated it would unfortunately be on the sidewalk and they would have receptacles and designate an area. He added they intended to have staff police the area to keep the area clean.

Commissioner Lorin stated if they did not sign the neighborhood alliance agreement did he have any idea of what the neighbors would have done. He added the commission did not interfere with the agreement between the neighborhood and the applicant.

Mr. Daniel Seguar stated he signed the agreement under protest. He added not all the points were unreasonable but felt the happy hour condition was unreasonable. He added they negotiated and they agreed with it. He added he felt slightly intimidated by it and if they did not sign in the implication was they could cause trouble for them.

Commissioner Alan stated he wanted to move to conditionally grant the permit and not reference the independent agreement between the proposed establishment and it neighborhood alliance and allow the agreement to live outside the permit jurisdiction since it contained certain things the Commission had no jurisdiction over. He added the Good Neighbor Policy would stand in his motion.

Commissioner Meko cautioned the fellow Commissioners because it set a bad precedence if there were negations in the neighborhood and asked if they were going to strike the conditions and not attach them to the Place of Entertainment Permit that the vote a continuance to give the neighborhood time to react to the conditions they signed with the applicants.

Commissioner Lorin stated Commissioner Alan made a good point that it was an agreement with the applicant and the neighbors.

Commissioner Alan read the conditions of the Northwest Bernal Alliance respectfully request the department of Alcohol Beverage Control apply the following conditions. He added there was no reference to the Entertainment Commission and he felt the conditions were completely inappropriate to appear in their entertainment permit.

Commissioner Pred stated historically the commission had chosen to let the neighborhood comments and agreements to remain between those groups. He added if the venue acted in bad faith it would end up on the commission's table and it did not side step or obviate the agreements that had been made. He added at other times the Commission thought it was imperative and for the well being of the neighborhood and the success of the business to include them. He added there was no precedent for the commission to move one-way or the other.

Chair Joseph stated if the ABC accepted the conditions and the applicant was in violation they would suspend their ABC license and the applicant would only be able to serve juice.

Commissioner Lorin stated it was a signed agreement between the alliance and the club owners and the Commission did honor it but would not attach it as a requirement to the permit.

Commissioner Shlain stated why would it hurt the applicant to attach it to their permit. He added they signed it thinking it was a negotiated agreement.

Commissioner Lorin stated if there was no agreement signed and the Northwest Bernal Alliance showed up at the meeting and suggested all eleven points would the commission is required to put them on the permit. He added the commission would not they would pick and choose what was pertinent.

Commissioner Pred stated the commission was speculating to the intent of the document. He added it was a signed agreement that clearly stated it was directed towards the ABC. He added discussion on the point was moot.

Commissioner Meko stated the Commission was speculating on a document that was faxed to the office of the Entertainment Commission that was signed three days ago in response to the hearing. He added he requested a continuance. He added how could the commission honor the agreement.

Commissioner Lorin stated the commission could honor it but it did not need to be made law.

Chair Joseph stated the commission did not have the power to condition in and out policies.

Commissioner Lorin stated if they were in violation they could be brought before the commission. He added it was between the applicant and the neighborhood.

Commissioner Alan stated No. 2 and doors being closed during the hours of entertainment it related to the emergence of noise order and sound from the venue was covered in the Good Neighbor Policy and section 49 of the NPC. He added the reduce alcohol beverage was out of the commission purview.

Chair Joseph stated it was dangerous to set a precedent for any of the permits to include conditions that were not the Commissions conditions.

Commissioner Shlain stated his concerns were the neighbors were not present to defend which ones the commission was choosing and they signed the agreement thinking it was a done deal.

Commissioner Leong stated there was one other case were a agreement was signed between a applicant and a neighborhood group and the commission voted to move ahead with it because it was agreement between the vendor and the neighborhood group and had nothing to do with the commission.

Public Comment

Michael Nalty the president of the district light organization, which superceded a neighborhood organization. He added he understood some of the conflicts that were going on. He added he recognized the Entertainment Commission was a new commission and a lot of the neighborhood organizations did not understand the permitting process. He added he applauded the commission for having the Good Neighbor Policy but the neighborhood groups were not aware of them. He added there was a lack of information that was being given to the neighborhood organizations about the commission's process. He added his recommendation was to continue the item and have a representative from the neighborhood organization attend the meeting so they would have a better understanding. He added the neighborhood groups did not have time to write letters.

John Wood with the San Francisco Late Night Coalition, he added it was very common that neighbors were unclear about what they could legally demand of a venue and what they could not demand. He added the purpose of the commission who was guided by the city attorney and knew the law to come up with conditions. He added it was a slippery slope to sign in conditions from neighborhood groups. He added the conditions that came from neighborhood groups were not legal and were not appropriate.

Louis Lopez stated known the applicants for the past 10 years and they were honorable and would uphold their agreement. He added the neighbors had their opportunity to come to the meeting and they were not present because they believed they would uphold their agreement and not violate it.

John Nalty stated the Entertainment Commission was instituted by an act of the Board of Supervisors and the Mayor. He added residents saw permits posted on buildings or venue and co-signing with the ABC at the same time they did not know whom to deal with because it was fairly new and people did not know and some of the conditions were overlapping and it was hard for a neighborhood group to have a concept on how to deal with a new commission. He added he did not have a list of the 17 permits the commission was allowed to give out and the problem was there was no outreach to educate the Neighborhood groups from the Entertainment Commission.

Chair Joseph stated prior to the entertainment Commission the police department would post them separately and was not a new concept. She added the commission permits were listed on the website and were available. She added most commissioners for the city of San Francisco were volunteers. She added a list would be obtained for the neighborhood organizations and the Entertainment Commissions Good Neighbor Policy would be sent out with a cover letter.

Public comment closed.

Commissioner Meko stated in the spirit of good faith to withdraw the motion and make a motion of continuance so the neighborhood association could negotiate with the commission and come up with a set of appropriate conditions.

Commissioner Alan stated it did not do the commission good to engage in the very polarization they were trying to avoid within the community. He added he was referring to the agreement with the ABC that had very little to do with the Entertainment Commission and didn't think it was inappropriate.

Chair Joseph asked if the police department normally accept neighborhood

conditions having to do with trees.

Lt. Schlotz stated in reviewing the files she had never seen anything like that in their files. She added the Good Neighbor Policy was a good item to be inclusive and attached. She added her personal opinion was the neighbors could have been present for the meeting. She added officer Mike Smith had attended the training for the permit officers and was very active in dealing with the community groups. She added when she talked to him about problematic venues he was continually advising and going to the community groups. She added regardless if the items were attached or not if there were a problem the neighbors could call the Police, Department Neighborhood Forest and Parking and Traffic.

Commissioner Pred stated he urged the Executive Committee to form a policy when issues came up in the future the commission could be consistent in the application of this sort of consideration.

Public Comment

John Woodstated the discussion was a violation of the applicants due process rights and was completely inappropriate. He added there was a process and the applicant was guaranteed a hearing in a certain amount of time and the neighbors were no present and the applicant should not be held up for two weeks.

Louise Lopez stated it was poor excuse to continue the item matter further because the neighbors failed to show up or they ignorant of the rules and conditions. He added they had a responsibility to show up and voice their opinions and they chose not too for whatever reason and why should the applicant be penalized.

Irene Seguar stated in their conditions there was a six-month time frame, which they were working with the neighborhood on. She added in the six months they could come back to them. She added they had worked very hard with the North Bernal Heights Alliance to come to the conditions and work in good faith. She added they wanted to be granted the permit.

Michael Nalty stated he commended the applicants on trying to work with the community. He added there was a lot of miscommunication that occurred from the community members. He added the applicant should not be penalized but at the same time the commission was trying to weigh out all the issues so there were no future conflicts. He added a continuance was the best way to handle it.

Captain O'Neil San Francisco Police Department added it was more prudent renotice

meetings because people became accustom to looking at particular areas of posting and to be in compliance with Sunshine.

John Nalty stated the item should be continued.

Janice Carter stated one of the reasons no one from the Northwest Bernal Heights Neighborhood Association had showed up for the meeting was because they had no object in them getting an entertainment license.

Public Comment closed.

Commissioner Meko moved to continue

the item to the June 21, 2005 meeting to

allow staff to meet with the neighborhood

association applicant to explain to them

the way conditions are addressed Commissioner Shlain seconded

the Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Shlain, Commissioner Leong

NOES - Commission Alan, Commissioner Lorin Commissioner Pred and Commissioner Joseph

Motion fails.

Public Comment

No public comment.

Commissioner Lorin moved to continue

the item to the June 21, 2005 meeting Commissioner Shlain seconded the

Motion.

VOTE:

AYES - Commission Alan, Commissioner Lorin Commissioner Pred, Commissioner Meko, Commissioner Shlain and Commissioner Leong

NOES - Commissioner Joseph

1. Commissioner Comments and Questions

Commissioner Pred asked if staff was advising permit holders of the public health letter regarding smoking. He added he would like a copy of the letter dated April 18, 2000 as listed in the conditions for Club 222. He added the ISCOTT and Medical Plan legislation planning was being sponsored by Chris Daly but not aware when it would be going to the board for a vote. He added the Entertainment Commission should do more outreach to the neighborhood groups because often they were the ones holding venues feet to the fire regarding the Good Neighbor Policy and in addition to providing the policy to the various neighborhood association there should be some sort of informational open house held by staff attended by commissioners were they provided a opportunity of a Q & A and any other information that would be valuable for them to get a better understanding of the Entertainment Commissions process. He added policy for continuance items should be added to the Executive Committee agenda. He added the only reason he agreed to continue the item was to be in full compliance with the sunshine ordinance and did it with great reluctance. He added the commission was an unconventional commission that kept it lively and interesting; however there had been times over the last meetings where actions or comments by staff, or commissioners had crossed the line in an area where he felt uncomfortable reactions to public comment or statements that could be misperceived. He added the commission should keep their composure to a level were the commission would not risk offense or indignation of people around the commission that may not be familiar the relationships between some of the people who addressed the commission frequently.

Commissioner Lorin stated the Executive Committee should look into a process to accommodate events like the World Cup.

Commissioner Alan stated in preparation for the future the Executive Committee will come forward with a recommendation that the appearance of a applicant or his or her designee be required at a Entertainment Commission hearing.

Chair Joseph stated a letter of introduction should be sent to the neighborhood organizations along with a copy of the Good Neighbor Policy. She added she was engaged in research with regard to liquor licenses in San Francisco to determine how many different places served alcohol and licenses of various classes that were given

out to those places. She added she was doing it because of the development of the Bayview and 3rd street corridor for stem cell research UCSF and all the housing that was going in. She added when she finished the research she would update the commission.

2) Report from the Executive Committee. (Jordan Shlain, Chair)

Commissioner Shlain reported the night lieutenants working on the streets were different from the people writing the permits. He added the committee would reach out and have discussion with the night lieutenants to get accurate reports. He the sound tech starts one quarter after the fiscal budget passes and until such time the commission would have Ed Anzore. He added the Mayor has put a limit on travel and the commission would need to vote on sending someone to be sent to Rucker's for proper sound training. He added should the commission require the applicant be present at the hearing and should the item be continued if they were not. He added the Executive Committee was trying to have a policy in place with the assistant of the City Attorney. He added going the discussion should not take place at the meetings.

8. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

Bob Davis stated he had several meetings with people surrounding the Badlands and that are involved in the case and the people at the Human Rights Commission and met with the City Attorney for the Human Rights Commission who was also the attorney for the Permit Appeals Board. He added Executive Committee would come to the commission with a recommendation at the next meeting. He added the resolution was voted on and brought forth today. He added

He had negotiated a final agreement with the police department consistent with the budget they had put forth and the Mayors office has sent it forward with recommendations and the budget went through in tact. He added he would inform the commission when the committee meetings will meet.

Chair Joseph asked if the Human Rights Commission hold a public hearing open to the public were members of the public could comment on the issue of The Badlands.

Bob Davis stated to the best of his knowledge he they did not hold a hearing.

9. Discussion of agenda items for future

Entertainment Commission Meetings.

There was nothing to add to the agenda.

10. Adjournment. 7:40 P.M.

Respectfully Submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, June 21, 2005 at 5:00 P.M.
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

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1. Review and approve minutes of the Regular Entertainment Commission meetings of May 17, 2005 and June 7, 2005. **[Action Item]**

2. President's Report: Cancellation of the July 5, 2005 Entertainment Commission meeting.

3. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of: Update on the Badlands and Kelly's Mission Rock and the Entertainment Commission Budget for 2005-2006.

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Segura, John, dba "The Knockout," 3223 Mission Street, Place of Entertainment, Billiard Parlor & Mechanical Amusement Device.**

a) **Kapp, David, dba, "Deco Lounge," 510 Larkin, Place of Entertainment, Billiard Parlor and Mech. Amusement Device. (Ext. Hours Premises withdrawn).**

b) **Latimore, Joseph, dba "Otis Lounge," 25 Maiden Lane, Place of Entertainment/Extended Hours Premises.**

5. Commissioner Comments and Questions.

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

6. Report from the Executive Committee. (Jordan Shlain, Chair)

7. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

8. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room **408** is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

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Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, June 21, 2005 at 5:00 P.M.
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

AMENDED

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1. Review and approve minutes of the Regular Entertainment Commission meetings of May 17, 2005 and June 7, 2005. **[Action Item]**

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3. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of: Update on the Badlands and Kelly's Mission Rock. Ratification of Entertainment Commission Budget for 2005-2006.

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a) **Segura, John, dba "The Knockout," 3223 Mission Street, Place of Entertainment, Billiard Parlor & Mechanical Amusement Device.**

a) **Kapp, David, dba, "Deco Lounge," 510 Larkin, Place of Entertainment, Billiard Parlor and Mech. Amusement Device. (Ext. Hours Premises withdrawn).**

b) **Latimore, Joseph, dba "Otis Lounge," 25 Maiden Lane, Place of Entertainment/Extended Hours Premises.**

c) **Milano, Gina, dab "Bambuddha Lounge" 601 Eddy Street, Loudspeaker permit. 12:00 Noon to 10:00 P.M.**

5. Commissioner Comments and Questions.

6. Report from the Executive Committee. (Jordan Shlain, Chair)

7. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

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City and County of San Francisco
Entertainment Commission

June 21, 2005
MINUTES OF THE
June 21, 2005 REGULAR MEETING
City Hall, Room 406

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Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

COMMISSIONERS
Present

Audrey Joseph, Chair
Terrance Alan
Joseph Pred
Jordan Shlain
Jim Meko
Bruce Lorin

STAFF
Present
Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:13 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Bruce Lorin, Terrance Alan, Jim Meko and, Bowman Leong, Jordan Shlain, Joseph Pred and Audrey Joseph.

Absent at the time of roll call were: Bowman Leong.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT

Larry Hunt "Bucket Man" stated that he could not play his buckets on the streets. He added he enjoyed performing and did not want to beg for change.

Jason Perkins stated he and his family were denied entrance to the park during the North Beach Festival. He added the event was fenced off and families were not allowed in unless they were 21 years of age. He added they turned into a neighborhood festival into a concert. He added it was an outrage to him and other families that were forced to stand outside. He added his concerns were was every cultural event going to be roped off to families because beer and wine was sold. He added the commission should address the issue for the familes that make up the city.

Chair Joseph stated the entertainment did not hold jurisdiction over the issue. She added Park and Recreation issued the permit. She added the ABC was a state law.

Commissioner Alan stated because alcohol was governed by a state agency they look to the local police captain of the precinct for guidance. He added he should take his complaint to Park and Recreation Depart and the captain of the police precinct. He added historically the SFPD had been pushing an ever more restrictive policy around the dispensing of beer and alcohol at public festival. He added the ultimate goal was to provide an environment where minors could not obtain alcohol but the unintended consequences were that it kept families from the activity. He added the SFPD and Park and Recreation needed to hear the unintended consequence of their actions.

Commissioner Lorin stated although the commission allowed them to approve most Loud Speaker Permits anyone dealing with a public park and a beer garden should come to the commission until the problem was resolved. He added there had to be a happy medium.

Chair Joseph stated the commission would put the item on the next agenda to be voted on.

Scott Dudley stated was it possible to have the agenda's posted in advance on the internet and was there any other avenue open to him in obtaining the information days in advance.

Mark Rennie stated there was an urban legend going around that since the

Entertainment Commission took over permits that there were no problems that used to be brought on by the SFPD. He added he wanted to dispel the rumor and stated the Captain of one district he knew of vetoed any new liquor license that came across his desk for no reason. He added there were not many new clubs and bars opening in San Francisco. He added the 21 years were heading out to L.A. and Vegas for entertainment.

Barry Toronto stated the agenda for the Commission was posted by Saturday afternoon. He added the Police Department in North Beach was trying something different by eliminating the parking between north and south side of Broadway between Columbus and Montgomery. He added they created some cab stands however some of the cabstands were useless because cabstands would not sit were they were not going to find passengers. He added hopefully by the next meeting he would have more feedback. He added there were concerns about Suite 181 parking issues and urged the commission to keep an eye on the issue.

Public Comment closed.

1. Review and approve minutes of the Regular Entertainment Commission meeting of May 17, 2005 and June 7, 2005

Public comment
No public comment.

Commissioner Alan moved to approve the
the Minutes of May 17, 2005
Commissioner Pred seconded the
Motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner PredCommissioner Leong Commissioner Shlain and Commissioner Joseph
NOES - None
ABSTAIN - Commissioner Lorin

Public comment
No public comment.

Commissioner Alan moved to approve the
the Minutes of June 7, 2005
Commissioner Shlain seconded the
Motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner PredCommissioner Lorin Commissioner Shlain and Commissioner Joseph
NOES - None

2. Presidents Report

Chair Joseph stated the July 5, 2005 meeting was cancelled. She added there was a great exhibit in the lobby of City Hall put up by the Chronicle that chronicled the gay community in San Francisco from 1912 to current day.

3. Report from Executive Director

Bob Davis stated since there was an update on the Badlands since the last Commission meeting for reconsideration was submitted through Mr. Natali's lawyer to the Human Rights Commission. He added in conversations with the City Attorney and HRC as of yesterday the request was still under consideration and were waiting for feedback from the HRC prior to moving forward. He added Kelly's Mission Rock submitted their appeal on June 13, 2005 and the commission would issue a briefing schedule next week that would set the dates. He added the commissioners would receive a brief. He added it was out of the commission's hands and in the Board of Permit Appeals and he would appear on behalf of the commission at the time of the hearing. He added the Mayor and Controllers office had approved the budget and the Board of Supervisors and asked the commission to ratify the budget.

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

- a)Segura, John, dba "The Knockout," 3223 Mission Street, Place of Entertainment, Billiard Parlor & Mechanical Amusement Device.

Jocelyn Kane stated applicant was before the commission two weeks ago and was continued in order for the applicant and staff Commission would further outreach to the neighbors. She added they spoke with North West Bernal Alliance and many times with Ingleside station. She added the applicants had been in contact with the neighborhood organization and there was a final list of conditions that the applicants were comfortable with.

Bob Davis stated the Bernal Neighborhood Association expressed their appreciated to the Commission for continuing the item.

Commissioner Alan stated was the conversation with the representatives of the Northwest Bernal Alliance on behalf of the commission how would he characterize the way the recommendations were being received. He added were there aware the recommendations were coming to the commission to be determined if they would be accepted or rejected and there was no guarantee they would be accepted.

Bob Davis stated he was clear in stating the commission was under no obligation to accept the conditions but would review any neighborhood association and the SFPD. He added they clearly understood and were familiar with the practices of the commission.

Commissioner Meko stated it was important that the neighborhood organizations were part of the process and has an opportunity to have a dialog with the applicants. He added the commission was not obliged to accept the conditions that a neighborhood group put forward. He added the commission had their own standard conditions and policies that applied.

Commissioner Lorin stated the commission did not tell a club what kind of entertainment they could and could not have. He added the applicant should have the right to change their business. He added the commission should include the cigarette butt receptacles to the good neighbor policy.

Commissioner Alan stated that amendment should be presented to the Executive Committee.

Public Comment
No Public Comment.

Commissioner Alan moved to approve with adding the Good Neighbor Policy Commissioner Meko seconded the motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain and Commissioner JosephCommissioner Lorin
NOES - None
ABSENT - Commissioner Leong

- **Kapp, David, dba, "Deco Lounge," 510 Larkin, Place of Entertainment, Billiard Parlor and Mech. Amusement Device. (Ext. Hours Premises withdrawn).**

Jocelyn Kane stated the applicant wanted to hold off on the extended hours and to move forward on the three other permits for and operate for one year. She added planning and Northern Station had approved with some conditions.

David Kapp stated his previous experience was with Club Rendezvous at 1312 Polk for 6 years without any complaints from police or neighbors. He added he anticipated opening in July 2005 providing everything went well. He added they would abide by the Good Neighbor Policy and they would have security. He added the conditions from the police department stated they should have security during all hours of operations and they were looking at during peek times and during entertainment and not during all the hours they were open.

Chair Joseph stated the applicant should have one security guard at all times.

Commissioner Meko asked was the applicant comfortable with the police stipulation of no entertainment or dancing after 1:30 A.M.

David Kapp stated they were with the condition they did not have extended hours. He added once the extended hours were in effect.

Commissioner Alan asked what was the dialog made him removes his request for extended hours premise license and agree to wait a year to see how his business did since he was a known business owner.

David Kapp stated officer Gallagher stated it was a normal condition to operate for one year without any complaints.

Commissioner Alan stated he found the officer's request to circumvent be insulting of the commission and its authority and would like to reinstate the applicant's request for extended hours premise license.

Bob Davis stated the item had to be continued since the item did not read for the extended hours.
Public Comment

John Wood stated it was his understanding if the applicant had a bar that opened at 12 noon and they only had entertainment from 8:00 P.M. until Midnight they did not need security all day.

Bob Davis stated he would get clarification on the question.

Public comment closed.

Commissioner Alan moved to conditionally approve and have the conditional grant reflect the deliberation about security and strike the 1:30 A.M. restriction for the Place of Entertainment and would end at the regular 2:00 A.M. hour and Billiard Parlor and Mechanical Amusement Device Commissioner Lorin seconded the Motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain, Commissioner Josephand Commissioner Lorin
NOES -
ABESENT - Commissioner Leong

- **Latimore, Joseph, dba "Otis Lounge," 25 Maiden Lane, Place of Entertainment/Extended Hours Premises.**

Jocelyn Kane stated Otis Lounge was located downtown on Maiden Lane and was 49-person capacity restaurant lounge. She added the applicant was applying for a Place of entertainment and extended hours premises seven days a week from 2:00 P.M. to 6:00 A.M. She added she had approval from City Planning and central station the conditions sent by central requested a continuance for the extended hours premises and the applicant had yet to meet with the Union Square Association and they expressed concern to the permit office of Central station that they had not been informed in a way they felt comfortable. She added she spoke with the applicant and he agreed to a continuance until after he meet with Union Square with respects to the extended hours. She added staff recommended conditionally granting the Place of Entertainment and continue the extended hours until the applicant met with the Union Square Association.

Joseph Latimore stated he was one of the partners of Otis Lounge. He added they were trying to develop a great relationship with the Union Square Association and Maiden Lane associates. He added the after hours premises would be accentual part of their business concept and the delaying would suspend it but if there was a need to wait they would. He added they had extensive conversations with the police department in their district and were going to create a secure environment for their business.

Commissioner Shlain asked if the applicant had any conversations with the Union Square Association and did they have a legitimate concern.

Mr. Latimore stated there was no specific concern other than the concern of security and crime in the area. He added they did not have the opportunity to present the after hours concept to them but they were aware they were there and welcomed them and supported the business.

Bob Davis stated Linda Magellan had no objections but wanted to have the item contintued so she could fully appraise her constituent base of the after hours portion. **Commissioner Meko** stated he was sympathetic to the applicant but it was part of the due diligence the applicant had to go through. He added he was glad the applicant was willing to wait and work out the problems.

Chair Joseph asked was his staff getting LEAD training.

Joseph Latimore stated he inquired about the training and his staff was prepared to get LEAD training.

Captain O'Neil with the SFPD stated he agreed with Commissioner Meko's comments that is was better to start off on the right foot. He added it seemed that it could be a conditional grant conditioned upon the meeting occurring and no adverse things happening.

John Wood with the San Francisco Late Night Coalition stated it would be helpful to have some clear guidelines around the continuances. He added from business relation's point of view it was not a big issue sometimes to wait two weeks for the applicant to get off on a better foot with their neighbor if there was a question. He added from a legal standpoint the after hours was posted and the commission kept running into the situations were something was posted and no neighbors come yet because a commissioner has a concern the item was continued.

Bob Davis stated he understood the concern and the actual concern of the commission concern had been clearly identifiable and each case had been handled He added staff looked to the applicant to try to determine from a business perspective what was occurring and what their time lines were and how it would affect their overall business plan. He added there had been a number of continuances lately each one had a specific reasoning behind it and the commission had deliberated and there was no set policy the commission had locked itself into other than when there was concern or confusion to try to bring clarity to the issue and sometime it required a continuance and there was not a pattern of an unwillingness to not move forward.

Chair Joseph stated it was important for the commission to remain flexible and not have specific rules and regulations in that area however, she felt neighbors had concerns they should show up for the hearings.

Commissioner Meko stated they had several discussions in the Executive Committee meetings regarding continuances and asked staff how continuances were handled.

Bob Davis stated other commissions handled continuances was there was an unspoken matter of courtesy that was extended to the commissioner to grant a continuance.

Commissioner Lorin stated the Entertainment Commissioner was made up of different backgrounds in order to prevent those issues.

Commissioner Alan stated the commission was in essence the adjudicating body on the request for the permit and the commission had already seen the confusion and chaos that existed when independent bodies go about trying to set up agreements using all forms of tactics that were brought to the commission to ratify. He added if the Union Square Merchants had concerns with regards to a permit in front of the commission they should appear in front of the commission. He added it was not appropriate to delay the applicant and it was not appropriate for the commission to dismember the commission's authority and pass it piecemeal out to other bodies that don't have the background as the commissioners. He added in essence it disembodied

the commission and he would not stand for it.

Public Comment
No Public Comment

Commissioner Meko moved to approve
the Place of Entertainment and continue
the Extended Hours to the next meeting
Commissioner Shlain seconded
the motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commissioner Shlain and Commissioner JosephCommissioner Lorin
NOES - Commission Alan

- Milano, Gina, dab "Bambuddha Lounge" 601 Eddy Street, Loudspeaker permit. 12:00 Noon to 10:00 P.M.

Jocelyn Kane stated the Bambuddha Lounge was requesting a loudspeaker permit. She added the commission would not normally see loudspeakers permits that include their activity at 10:00 P.M. however there was a particular neighbor that was concerned about events that took place at the Phoenix Hotel. She added Northern Station had approved their events in the past and staff recommended approval.

Bob Davis stated that staff contacted Burton Wolfe and he was notified about the hearing and event.

Chair Joseph asked Ms. Milano what type of event she was having.

Ms. Milano stated it was a 92.7 radio station Independence Day event.

Commissioner Pred recused himself from the agenda item.

Commissioner Meko asked how long the applicant had ran her business. He added had the police sited her.

Gina Milano stated for two years she had not been sited.

Commissioner Lorin stated that he would like the San Francisco Police Department conduct a sound test within 250 feet at the time of the applicants event and document in writing whether or not there was a sound bleed heard by the officer.

Public Comment
No Public Comment

Commissioner Lorin moved to approve
Commissioner Meko seconded
the motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Shlain and Commissioner JosephCommissioner Lorin Commissioner Leong
NOES - None
RECUSED- Commissioner Pred

5. Commissioner Comments and Questions

Commissioner Lorin stated the commission should have a permanent meeting room assigned to them.

Commissioner Meko stated there was a residential project slated to go into 11th street right in the middle of the nightclubs. He added everything was working out well.
He added in 1990 there had been a community based process that had gone on for the last half of the 80's that lead to a rezoning of south of Market. He added it had been an industrial area M1 zoning and in 1990 it was rezoned into a mixed-use district, which was the first attempt of mix-use zoning in San Francisco. He added in 2005 they were starting a new process to re-zone south of Market. He added it was the first time the Planning Department had assisted with a totally community based process. He added the community had established a 22-member task force with representatives and people who have lived in the area and own small business and represent families including entertainment that is represented by Commissioner Alan the arts community and it will be different and untimely entertainment would have a more permitted place in the zoning of the south of Market.

Commissioner Shlain asked the commission to aggressively pursue what the thinking was for festivities that eliminated families.

Commissioner Pred stated there was a volunteer based non-profit called "CommunityBoards.org" He added they were a community based mediation service that focused on tenant and business relationships. He added they could be a potential resource for neighbors and community groups to resolve issues. He added if there was interest from the commission they were willing to come and give a short presentation.

Commissioner Alan stated prior to the existence of the Entertainment Commission he spent many evenings at the community boards with neighbors and nightclubs. He added he would concur it was something the commission could use in their toolbox. He added he meant know offense to Captain O'Neil and Lt. Schlotz in his characterization of the Francisco Police Department as they related to the coercing of a potential venue owner to accept their conditions for delaying their extended hours premises license. He added the very existence of that type of pressure was disrespectful to the San Francisco Entertainment Commission, the voters, Board of Supervisors and the Mayor and the bureaucracy that put the commission here. He added what he found to be most disrespectful was the permit officers that had objections or comments to an application and failed to take the time to show up and voice their concerns. He added it was disrespectful to the process and disservice to the Police Department as well. He added the commission was created to bring all the parties together under sunshine in a public form and when one important component failed repeatedly to show up that was were the disrespect emerged. He added Southern Station Police Department would hold its monthly PCR meeting at Boarders Book Store and would be attended by Jocelyn Kane and he would be present and would not be speaking as a commissioner but as a citizen. He added he would request that staff issue an update of the status of conditionally granted permits. He added there should be additional public dialog regarding the bear garden due to families feeling excluded and communities that felt disembodied. He added his heart went out to the bucket man.

Chair Joseph stated it was Pride week and it would be the 35th Gay Pride Parade for the city of San Francisco. She added the event would be held on June 26, 2005 and was open to all ages. She added there was a VIP party in city hall. She added the S.F. Opera would be performing on stage on Sunday June 26, 2005.

Report from the Executive Committee. (Jordan Shlain, Chair)

Commissioner Alan reported on the meeting in absence of Commissioner Shlain on items 4 and 5 on the Executive Committee meeting for June 20, 2005 were moved on the agenda continuances and recommendations. He added the Executive Committee stated it should be passed on to the applicant.

9. Discussion of agenda items for future Entertainment Commission Meetings.

There was nothing to add to the agenda.

- 10.Adjournment. 7:00 P.M.

Respectfully Submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice of Cancelled Meeting

For the Entertainment Commission

SF
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#1
7/5/04
cancelled

Meeting on Tuesday, July 5, 2004

City Hall, Room 406 at 4:00 P.M

1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

City and County of San Francisco
Entertainment Commission

July 19, 2005

Notice and Agenda for Meeting

Tuesday, July 19, 2005 at 5:00 P.M.

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Room 406, City Hall

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Presentation of San Francisco Fashion Week from Erika Gessin.

2. Review and approve minutes of June 21, 2005. **[Action Item]**

3. President's Report: Nominations for and election of President and Vice-President of the Entertainment Commission for the period July 2005 to June 2006. **[Action Item]**

4. Discussion and possible action on the issuance of Loud Speaker Permits to applicants dealing with a public park beer garden event that should come before the commission until the problem is resolved. **[Action Item]**

5. Assignment to Entertainment Commission Committees. **[Action Item]**

6. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

- Kapp, David, dba Deco Lounge, 510 Larkin Street, Ext. Hours Premises.
- Latimore, Joseph, dba Otis Lounge, 25 Maiden Lane, Ext. Hours Premises.
- Leung, Sydney, dba The Endup, 401 6th Street, Place of Entertainment, Ext. Hours Premises, Billiard Parlor, Mechanical Amusement Device.
- Fudym, Boris, dba L'Olivier Restaurant, 465 Davis Court, Place of Entertainment
- Post, Thomas, dba Cafe Lo Cubano, 3401 California St., Place of Entertainment.
- Metzger, Lawrence, dba Octavia Lounge, 1771 Market Street, Place of Entertainment.
- Yi, Hui Cha, dba Cinnabar, 397 Ellis Street, Billiard Parlor, Mechanical Amusement Device.
- Gorrono, Morgan, dba Eight, 1151 Folsom St., Ext. Hours Premises.
- Levine, Michael, et. al, dba Home on Union, 2032 Union Street, Place of Entertainment.

7. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of Kelly's Mission Rock. Entertainment Commission Budget for 2005-2006.

8. Commissioner Comments and Questions.

9. Report from the Executive Committee. (Jordan Shlain, Chair)

10. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

11. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

July 19, 2005
MINUTES OF THE
July 19, 2005 REGULAR MEETING
City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS
Present
Audrey Joseph, Chair
Jim Meko
Terrance Alan
Joseph Pred
Bowman Leong
Jordan Shlain
Bruce Lorin

STAFF
Present
Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:15 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko, Bowman Leong, Jordan Shlain, Audrey Joseph and Bruce Lorin.

Absent at the time of roll call were: None
Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

Chair Joseph stated commissioner Shlain had been successfully re appointed and sworn in for his four-year term the Entertainment Commission.

PUBLIC COMMENT

Barry Toronto stated the Broadway parking lane closures were working well. He added there should be an enforced white zone for all clubs.

Public comment closed

Presentation by Phil Chachere regarding Guard Cards
Chair Joseph stated Phil Chachere was present to do a presentation on Guard Card training.

Phil Chachere stated he was a certified instructor with the Consumer Affairs state of California. He added he trained and instructed security guards and officers in obtaining a guard card or fire permit, baton or tear gas permits throughout the state of California. He added the state had a new law since 911 and terrorism act requiring security guards to have forty hours of training before the go onto the job. He added all guards to have a guard card starting January 2006. He added the cost of the course was $80.00 for eight hours and a full forty-hour course in one week. He added the guard cards were good for two years and had to take a renewal course for eight hours. He added the full cost of the course was $300.00.

Chair Joseph stated Erika Gessin was unable to attend the meeting to do her presentation due to laryngitis and the item would be continued to the call of the chair.

Chair Joseph stated the minutes of June 21, 2005 would be continued.

Public Comment
No Public Comment.

1. Review and approve minutes of June 21, 2005 of the Regular Entertainment Commission meeting June 21, 2005

Commissioner Alan moved to continue
the minutes of June 21, 2005
Commissioner Shlain seconded
the motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain and Commissioner JosephCommissioner Lorin
NOES - None
EXCUSED - Commissioner Leong

President's Report: Nominations for and election of President and Vice-President of the Entertainment Commission for the period July 2005 to June 2006.

Chair Joseph stated it was her great honor to work with the commission and serve as president for the last year. She added the Entertainment Commission three-year anniversary and president inauguration party would be at Pier 23 on July 26, 2005 from 6:00 P.M. to 8:00 P.M.

Commission Alan stated serving as the first president of the Entertainment Commission
was an honor. Her added being able to hand off the reigns to someone as qualified and knowledgeable in the nuances of the entertainment industry was a pleasure and thanked Chair Joseph for her work. He added he could think of no one else to better than Jordan Shlain serve as president of the Entertainment Commission.

Commissioner Meko second the motion.

Public Comment
No Public Comment.

Commissioner Alan nominated Jordan Shlain to serve as the Entertainment Commission president Commissioner Meko second the motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain and Commissioner JosephCommissioner Lorin and Commissioner Leong.
NOES - None

Commissioner Leong nominated Audrey Joseph for vice president of the Entertainment Commission.

Commissioner Lorin second the motion.

Public Comment
No public comment.

Commissioner Leong nominated Audrey Joseph for vice president of the Entertainment Commission Commissioner Lorin second the motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Shlain and Commissioner JosephCommissioner Lorin and Commissioner Leong.
NOES - Commissioner Pred

Chair Shlain stated he was honored to serve as president of the Entertainment Commission. He added Commissioner Alan did a great job as serving as president of the Entertainment in its first year and Commissioner Joseph did as well and thanked the Commission staff for doing a great job.

Assignment to Entertainment Commission Committees.

Chair Shlain named the new Executive Committee, Joseph Pred, Audrey Joseph and Jim Meko.

Chair Shlain named the Legislative Committee, Commissioner Alan, Commissioner Leong and Commissioner Shlain.

Public Comment

John Wood, San Francisco Late Night Coalition congratulated Chair Shlain on his nomination as president to the Entertainment Commission. He wished the Commission a great third year.

Public comment closed.

Discussion and possible action on the issuance of Loud Speaker Permits to applicants dealing with a public park beer garden event that should come before the commission until the problem is resolved.

Bob Davis stated the item came about in the result of several things that happened in North Beach.

Chair Shlain stated he spoke with someone from the ABC, the Police Department and the neighborhood and it was clear that everyone had a different position on the issue. He added a meeting should be set up with the four parties.

Commissioner Joseph stated it was a police issue.

Commissioner Alan stated the process by which you got the permit required the land owner or the company managing the land were the event was going to be held sign off approving the event. He added the ABC would rarely go against the Police Department. He added there were problems at events. He added a they needed to approach the problems at the events in a different way rather than segregating people.

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

- Kapp, David, dba Deco Lounge, 510 Larkin Street, Ext. Hours Premises.

Bob Davis stated the applicant applied for extended hours and currently had a Place of Entertainment. He added the applicant appeared before the commission on June 21, 2005 and a question arose about the conditions that related to his extended hours. He added Commissioner Alan raised a questioned. He added he spoke with Officer Gallagher who said there had been some complaints raised at the previous location Mr. Kapp managed. He added Officer Gallagher requested the extended hours permit be continued until he had an opportunity to be in business for a while.

Commissioner Alan stated at the last commission hearing when the issue of conditioning the applicants after hours permit to include a 12-month waiting period. He added it was important take the position that they want the applicant to be given the greatest opportunity to succeed in their business and not anticipate the applicant would cause problems and restrict the applicant. He added he spoke with the permit officer and the applicant and there was a desire to have a meeting with the police department, the applicant and some neighborhood representatives. He added he would support a single continuance until the next scheduled meeting.

Mr. Kapp stated he agreed with the tabling the extended hours until two weeks. He added the delay for the liquor license was because of the neighborhood services committee postponed the meeting until August 1, 2005. He added there was five letters of complaints against the liquor license transfer until the meeting happened

they had no liquor license. He added the delay was fine with him.

Commissioner Alan moved to continue the Extended Hours Permit until the next commission

Public Comment
No public comment.

meeting on August 2, 2005 Commissioner Joseph second the motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Shlain and Commissioner JosephCommissioner Lorin and Commissioner Leong and Commissioner Pred
NOES - None

- **Latimore, Joseph, dba Otis Lounge, 25 Maiden Lane, Ext. Hours Premises.**

Bob Davis stated Mr. Latimore received a Place of Entertainment on May 11, 2005. He added some questions came up about the applicants intent on making the venue a private club. He added staff was looking into the matter and asked that the item be continued.

Public Comment
No public comment.

Commissioner Lorin moved to continue the Extended Hours Permit for Otis Lounge until the next commission Commissioner Leong second the motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Shlain and Commissioner JosephCommissioner Lorin and Commissioner Leong and Commissioner Pred
NOES - None

c) Leung, Sydney, dba The Endup, 401 6th Street, Place of Entertainment, Ext. Hours Premises, Billiard Parlor, Mechanical Amusement Device.

Commissioner Joseph recused herself from the item.

Bob Davis stated the applicant was applying for extended hours and a mechanical amusement device. He added staff recommended approval an approval from Company B.

Sydney Leung stated he was honored to have the opportunity to take over ownership of the End Up. She added there were four active managers. She added the End Up was a landmark and a legend of San Francisco and wanted to strive to continue the traditions of the venue. He added they would do some minor upgrades and continue the spirit of the End Up.

Chair Shlain asked if the applicant saw Company B's recommendations and if he agreed with the conditions.

Mr. Leung stated he was fine with the conditions.

Commissioner Alan asked if staff had an opportunity to review the existing permit conditions.

Bob Davis stated staff did and the conditions were the same.

Public Comment

Henry Karnilowicz stated he was the secretary for the South of market Business Owner Association. He added the End Up had been an asset to the community by providing a safe and fun place to go to. He added he was convinced the applicants were excellent candidates and would do a great job of running the club and urged the commission to grant them their permit.

Barry Toronto stated the End Up was probably the number one club destination for taxicabs. He added however, the security guards had allowed private cars to park in front of the club. He added he was getting very little cooperation with the new security and hoped the new owners would change that attitude.

Chair Shlain asked what were the regulations about white zones and club owners parking cars in front of the venue and leaving them open.

Commissioner Lorin stated the police department could site and the establishment would run the risk of losing their white zone if it was found that they tolerated parking in front of the club. He added they had no authority to chase anyone out of the white zone.

Commissioner Alan stated the white zone to his venue was on a turn for a Muni bus. He added the police department made it very clear that it was his responsibility to call and have cars that were in the white zone parked illegally sited. He added it exercised his due diligence, as an owner to make sure the white zone was clear. He added it was in the best interest to have their white zone clear.

John Wood stated the San Francisco Late Night Coalition was formed partially in response to the attempted shut down of the End Up in 1998 and 1999. He added it had been a pleasure working for the past six years with the present management Carl Hankin and Alician Page. He added most people in the community considered it a family institution. He added he was happy to see the new intend to keep the End Up a cultural institution. He encouraged the commission to grant all their permits.

David Peterson stated he was a promoter at the End Up for 10 years. He added he had the opportunity to meet the new owners and thought they would represent the club well in the future.

Mark Rennie stated he represented Carl Hankin and the End Up since he took over in 1994. He added there were a lot of issues that surrounded some business issues. He added he could Carl Hankin had respect for the new owners and felt that he lucked out in finding someone who was going to take care of the venue. He added that he recommended them highly.

Public comment closed.

Commissioner Meko stated the End Up was an institution already in south of market when he moved there in 1977. He added they had some bad times in the 1990'as when neighbors and nightclubs were at opposite ends and Carl Hankin and Alician Page rose above all of it and helped show everyone in south of market that a nightclub could be a good neighbor. He welcomed Mr. Leung and stated he had a hard act to follow.

Public Comment

No public comment.

Commissioner Meko moved to approve adding the conditions of the Entertainment Commission Good Neighbor Policy Commissioner Leong seconded the Motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Shlain, Commissioner Joseph, Commissioner Leong Commissioner Lorin
NOES - None
ABSENT AT TIME OF VOTE - Commissioner Pred,

- Fudym, Boris, dba L'Olivier Restaurant, 465 Davis Court, Place of Entertainment.

Bob Davis stated applicant received recommendations from Company A and staff recommended approval.
Commissioner Alan stated there was a letter of opposition that raised the question and was hoping to direct it to the applicant and without the applicant present it would be difficult. He added the applicant did not indicate what was above the restaurant he added there was not enough information to move forward and found himself in the unique position to have the item continued.

Public Comment
No public comment.

Commissioner Lorin moved to conditionally grant the item Commissioner Leong second the motion.

VOTE:
AYES - Commissioner Meko and Commissioner JosephCommissioner Lorin and Commissioner Leong and Commissioner Pred
NOES - Commissioner Alan and Commissioner Shlain

- Post, Thomas, dba Cafe Lo Cubano, 3401 California St., Place of Entertainment.

Bob Davis stated staff had numerous conversations with Richmond Station and Officer Conolly had raised some concerns. He added she requested the item be continued and felt the Place of Entertainment should be in the name of the applicant. He added staff had received a number of complaints from the neighborhood resulting in the applicant having entertainment without a permit and for excessive noise. He added the applicant had not had the sound test done. He added staff was uncomfortable in moving forward because of complaints from the neighbors. He added staff recommended a continuance until a sound check was done.

Thomas Post stated he would like to clarify on the ownership issue. He added it was a LLC with three partners, himself, his uncle and Charles Betlock. He added the liquor license was in the name of Charles Betlock. He added the ABC required them to have an individual. He added he meet with the Homeowners Association for Laurel Heights. He added he got over 75 signatures of support from the neighborhood. He added they were trying to create a new environment exposing people to Caribbean Cuban jazz culture.

Commissioner Lorin stated the Entertainment permit did not have to be in the same name as the ABC Permit. He added the owners of corporation had to be listed in the permit application

Public Comment

Mr. Joe Scaroni resides in Presidio Heights. He added the applicant should choose a neighborhood that was more adaptable to the venue. He added they had a very quiet neighborhood and a lot of people wanted to keep it that way he added when people brought clubs in people get drunk and loud and urinating on property. He added there were a lot of issues that needed to be considered.

Sage Berta stated she was the operation manager at Café Lo Cubano thanked the staff for their help in assisting them with the permitting process. She added they were actively seeking neighborhood support. She added they have gotten a lot of feedback from their cliental that enjoyed being able to bring their family to their establishment and listen to music. She added they were not trying to promote a club atmosphere and hoped the commission would approve their permit.

Commissioner Alan asked what the occupancy level was.

Mr. Thomas stated the occupancy was 49.

Public Comment
Public comment closed.

Commissioner Lorin moved to continued
the item Commissioner Meko seconded
the Motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commissioner Shlain, Commissioner Joseph, Commissioner Leong Commissioner Lorin
NOES - Commissioner Alan

- Metzger, Lawrence, dba Octavia Lounge, 1771 Market Street, Place of Entertainment.

Bob Davis stated the applicant applied for a Place of Entertainment Permit. He added there was one complaint from a resident. He added Company B approved the recommendation. He added staff recommended approval.

Lawrence Metzger stated it was a supper club cabaret that had been permitted in the past with live entertainment that he would like to do a couple times of week.

Commissioner Alan asked if the applicant was the only member of the LLC.

Mr. Metzger stated he was the only member of the LLC.

Commissioner Meko stated a resident stated in the past the previous manager had two speakers mounted in the exterior of the building and were they still in place.

Mr. Metzger stated he was unaware of them and did not have outside speakers.
Commissioner Joseph stated she had an opportunity to eat at Octavia Lounge and it

was a great place.

Public Comment
No public comment.

Commissioner Joseph moved to
conditionally approve
Commissioner Alan seconded the
Motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain, Commissioner Josephand Commissioner Leong Commissioner Lorin
NOES - None

- Yi, Hui Cha, dba Cinnabar, 397 Ellis Street, Billiard Parlor, Mechanical Amusement Device.

Bob Davis stated Company J recommended approval and staff recommended approval.

Chair Shlain stated the item would be continued since the applicant was not present.

Commissioner Pred stated in the case of a mechanical amusement device the commission should approve the permit. He added there could be appropriate updates made to the document before the permit is issued if there were no other conflicts or concerns.

Public Comment
No public comment.

Commissioner Pred moved to approve the
permit with the condition that staff
ensured that ownership is varied
Commissioner Leong seconded the
Motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain, Commissioner Josephand Commissioner Leong Commissioner Lorin
NOES - None

- Gorrono, Morgan, dba Eight, 1151 Folsom St., Ext. Hours Premises.

Bob Davis stated staff recommended continuance of the item. He added it was considered an intensification of use because of the area the applicant was in and the applicant had to go before the Planning Commission for a full hearing.

Public Comment
No public comment

Commissioner Leong moved to continue
the item to the call of the chair
Commissioner Pred seconded the
Motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain, Commissioner Josephand Commissioner Leong Commissioner Lorin
NOES - None

- Levine, Michael, et. al, dba Home on Union, 2032 Union Street, Place of Entertainment.

Bob Davis stated staff received several letters from neighbors raising concern. He added staff asked the applicant to meet with the neighbors to try mitigate some of the concerns. He added staff recommended continuing the item.

Public Comment

Mary La Rocca stated she owned the building next to the venue. She added entertainment at the Home Restaurant would not allow her tenants to sleep. She added her building was 100 years old and if smoking occurred in the area it would create a 10-alarm fire. She added in the past with previous owners the venue had constant complaints. She added the smoking coming from the venue disturbed her and her residents and it was a hazard.

Commissioner Lorin asked were she heard the music coming from the establishment.

Mr. La Rocca stated she heard the music coming from the kitchen door of the establishment.

Commissioner Alan stated without an entertainment the commission could not put any conditions to guide the business to be a better neighbor. He added if the commission gave them a permit with conditions that could be placed on the permit that would help guide them to be a better neighbor.

Commissioner Meko stated the planning department reviewed the application and entertainment required conditional use authorization from the Planning Commission. He added they sought conditional use and it was the current status on the property was to be restricted to a piano and vocalist.

Chair Shlain stated staff would try to get her and the applicant together to work out their problems.

Michael Somers stated he resides at 2428 Union Street. He added their intent was to help the permit go forward but to imply about the conditions that might be put on the permit. He added the residents in the building had a long history with the last venue that abused their permit. He added there was a court order to keep the back door closed. He added in their conversation with the managers at the grand opening they were trying to get a sense of what the intent was.
Chair Shlain stated the commission was the commission was created two years ago to specifically address the concerns of neighbors and making nightclub owners good neighbors.
Elberto Montoya stated he resided in the apartment next door to the venue. He added he had been disturbed by the noise from the previous entertainment because they did not have soundproofing.

Public comment closed.

Commissioner Lorin moved to continue the item to the call of the chair
Commissioner Joseph seconded the
Motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain, Commissioner Josephand Commissioner Leong Commissioner Lorin
NOES - None

8. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

Bob Davis stated Kelly's Mission Rock appeared via a request from the port through the board of permit appeals for jurisdictional hearing for June 29, 2005. He added he spoke on behalf of the Entertainment Commission. He added the permit appeals did not want to take jurisdiction over the case. He added he sent a letter to Kelly's Mission Rock informing them they needed to go to Superior Court and until the commission heard something from the court they were closed. He added the budget was approved and the Board of Supervisors wanted to hear all of the items on the increase in fees. He added a request for reconsideration was submitted to the Human rights Commission for the Badlands. He added Mr. Natali requested they review and resend the order as it was written. He added the ABC heard the case and found there was no discrimination. He added the people for And Castro for All would like the commission to agendize new information on the expansion of the Badlands and some other actions that involved problems outside the club with demonstrators.

9. Commissioner Comments and Questions

Commissioner Lorin asked were the commission stood on getting a regular hearing room for the entertainment Commission.

Bob Davis stated the commission was guaranteed a room on hearing days. He added the city was tight on hearing space. He added to get a different room would require the commission to change their meeting dates.

Commissioner Pred stated the department of health was doing a survey for HIV at risk. He added they were getting demographic data in places were people who chose to use substances and possibly engage in at risk activities to get information. He added they reflected that some clubs were not so warm to welcome them. He added he introduced them to staff and told them if there was some concern they could contact the office for information.

Commissioner Joseph stated the Entertainment Commission three-year anniversary party would be held at Pier 23 on Tuesday, July 27, 2005 from 6:00 P.M. to 8:00 P.M.

Commissioner Meko thanked Commissioner Joseph for her role as the previous entertainment Commission president.

Commissioner Alan stated his apology for his sideline conversation during the hearing. He added he stood by his belief that applicants should be present for hearings. because of the commission's hands on approach as commissioners he felt it was very important that it continue until the very last moment the applicants hear from the commission about their concerns before their permit is approved. He added it strengthen the commissions ability to problem solve prior to things spinning out of control. He added on behalf of the Building Department, Thursday at 12:00 noon there would be a brown bag lunch for noise control sound.

Commissioner Leong stated in his recent visit to San Diego convention Center he saw several AED and thought of Commissioner Pred.

10. Report from the Executive Committee. (Jordan Shlain)

Commissioner Shlain stated the Executive Committee was working with the city attorney's office to refine the process of streamline special hearings. He added the recommendation of an addition to a sub item to add cigarette butt receptacles was voted 3 to 0 against added it because they felt it was redundant.

11. Discussion of agenda items for future Entertainment Commission Meetings.

Commissioner Pred stated Mechanical Amusement Devices should not go to hearing unless their was a conflict involved with the permit and suggested the commission vote on it the item

12. Adjournment. 7:59 P.M.

Respectfully Submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, August 2, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of June 21, 2005 and July 19, 2005 **[Action Item]**

2. Discussion and possible action by the members of the Legislative Committee to set a regular monthly meeting day and time. **[Action Item]**

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a. **Latimore, Joseph, dba Otis Lounge, 25 Maiden Lane, Ext. Hours Premises.**

   b. **Post, Thomas, dba Cafe Lo Cubano, 3401 California St., Place of Entertainment.**

   c. **Milano, Gina, dba Bambuddha Lounge, 601 Eddy Street, Loudspeaker Permit, Sunday August 7, 2005, 2:30PM - 9:30PM.**

4. Discussion regarding permit holder dba 12 Galaxies, 2565 Mission Street, and Mr. Scott Dudley regarding noise levels. **[Discussion]**

5. Report from Executive Director on the following: The status of Kelly's Mission Rock, and the Bay View District clubs and community concerns regarding the Badlands Club.

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

6. Report form Director Bob Davis on the status of the Badlands and public comment from concerned citizens. **[Discussion]**

7. Commissioner Comments and Questions.

8. Report from the Executive Committee. (Jordan Shlain, Chair) on the following: Presentation on Community Boards and how their services might be of use to Place of Entertainment permit holders and neighbors and discussion and possible action of hearing procedures.

9. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

10. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room 406 is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County

exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine.** For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, August 2, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

AMENDED

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Call to Order and Roll Call.

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1. Review and approve minutes of June 21, 2005 and July 19, 2005 **[Action Item]**

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amended

2. Discussion and possible action by the members of the Legislative Committee to set a regular monthly meeting day and time. **[Action Item]**

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City and County of San Francisco
Entertainment Commission

August 2, 2005

MINUTES OF THE
August 2, 2005 REGULAR MEETING
City Hall, Room 406
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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COMMISSIONERS
Present

Jordan Shlain, Chair
Audrey Joseph
Terrance Alan
Joseph Pred
Jim Meko
Bruce Lorin
Bowman Leong

STAFF
Present
Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:13 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Bruce Lorin, Terrance Alan, Jim Meko and, Bowman Leong, Jordan Shlain, Joseph Pred and Audrey Joseph.

Absent at the time of roll call were: None

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT
No Public Comment.

1. Review and approve minutes of the Regular Entertainment Commission meeting of June 21, 2005, and July 19, 2005

Public comment
No public comment.

Commissioner Joseph moved to approve
the Minutes of June 21, 2005
Commissioner Lorin seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner Lorin Commissioner Shlain and Commissioner Joseph
NOES - None
ABSTAIN - Commissioner Leong

Public comment
No public comment.

Commissioner Alan moved to approve the
the Minutes of July 19, 2005
Commissioner Joseph seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner Lorin Commissioner Shlain and Commissioner Joseph
NOES - None

2. Discussion and possible action by the members of the Legislative Committee to set a regular monthly meeting day and time.

Commissioner Alan suggested to the legislative committee members to meet once a month on the first Friday of the month before the regularly scheduled commission meeting at 4:00 P.M. and requested staff check the availability of rooms for that day and time.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

a) Latimore, Joseph, dba Otis Lounge, 25
Maiden Lane, Ext. Hours Premises.

Bob Davis stated the item was before the commission at the last hearing and there was a question of whether the venue would it be come a private club and if he talked to the neighborhood groups about the hours he wanted to remain open.

Joseph Latimore resides in San Francisco.
He added they were not a private club. He added they had a membership that supported their investors and there were certain privileges they were given. He added they were open to the public. He added on July 19, 2005 he had a meeting with the Union Square Association in regards to their application for a after hours permit and once he explained what the venues intentions were they offered their full support.

Commissioner Joseph asked what the privileges were for private members and who could become members.

Joseph Latimore stated private members were extended to their investor pool. He added their space was small and seating was limited. He added in the event an investor wanted to come in a table could be reserved for them. He added the membership allowed investors immediate access and tabs for food and beverages.

Public Comment
No Public Comment.

Commissioner Joseph moved to approve Commissioner Leong seconded the motion.
VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain Commissioner Joseph Commissioner Lorin and Commissioner Leong
NOES - None

b) Post, Thomas, dba Cafe Lo Cubano, 3401 California St., Place of Entertainment.

Jocelyn Kane stated the item was before the commission in the past and there was a question on the partnership and new documentation was provided to the commission that showed Mr. Post and his partner. She added Richmond station sent an updated recommendation and asked the commission to disapprove the permit based on the applicant's lack of interaction with neighborhood groups. She added the applicant was present to tell the commission how much interaction he had with the neighborhood groups. She added there were letters for and against the application and the sound test was not done because officer Anzore was out of town and all other inspection had been completed.

Mr. Thomas Post stated he meet with the president of the Laurel Heights Association and wrote a letter that addressed his concerns. He added there was a concern in the neighborhood they would become a nightclub. He added their intention was to provide acoustic music in the evenings with the option to do poetry readings for one night a week as an opportunity for the community to come out and experience Cuban culture and Latin jazz. He added the president of the Laurel Heights Association was happy with the letter and he was going to forward it to the Presidio Heights Association. He added they were a coffee shop that wanted to live Latin jazz one night a week and there was no intention of transforming the concept towards an evening venue.

Commissioner Joseph asked if there would be amplified sound. She added if he had a public assembly permit and was his establishment posted. She added if the commission granted a permit it would be conditional permit and based on Ed Anzore sound abatement test and he would not be able to operate until the test occurred.

Mr. Post stated there were would be acoustical music with an amplifier. He added he did have a public assembly permit for a capacity if 49. He added was posted twice.
Commissioner Lorin asked if the venue was located in a residential area.

Mr. Post stated it was located in the Laurel Heights shopping center.

Commissioner Meko pointed out to the applicant that, in his letter to the neighborhood association, he had written that the venue intended to host live music one night per week on Thursdays and performances would be completed by 11:00

P.M. He asked the applicant if he was willing to have that promise written into his permit as a condition. When the applicant indicated he would not, Commissioner asked if he would be willing to entertain a continuance until he clarify his promises with the neighbors and come back with their support.

Mr. Post stated he would rather not limit himself and have it written into his permit so that he could have flexibility with his business in case their was not a performance on Thursday. He added he did not want to be locked into one particular night. He added he would accept the condition of having live music one night a week. He added he would like to do poetry reading on a Saturday night. He added he would prefer to move forward and he reached out to the community and explained it to John Roth and the president of the Laurel Heights Association and he was supported and understood the concept that the venue would not be a nightclub.

Commissioner Alan stated in the applicant's application he indicated he would have independent amplification from the band or performers and he should make sure that when he allowed the to bring in independent amplification that he did not allow the band to exceed the sound levels that his facility had been tested for. He added sound was the first indicator that there was an issue at venue that would create problems for the venue owner that could result in a lot of time and money and staffs time to help the applicant through his problem. He added keep his volume at a level that was contained within in his facility so that his neighbors would be happy and he would enjoy great success. He added the applicant did a well thought out security plan. He added he could not support another continuance.

Commissioner Leong asked if staff had an updated reason from Richmond station for their disapproval. He added it looked like the same disproval letter from the last meeting.

Jocelyn Kane stated the original request was to continue the item as oppose to disproval on the basis of the neighborhood associations were not notified. She added the applicant had done outreach.

Commissioner Leong asked the applicant had he reached out to any of the neighbors that lived behind his venue since the last meeting.

Mr. Post stated he had discussions with him after the meeting and he gave them his cell phone number and meet with some of them to address any issues and concerns they had.

Commissioner Lorin stated there were a couple of notices for disturbances of the peace and did the applicant have any means of controlling his smokers outside the venue.

Mr. Post stated it was a matter of patrolling the area with staff. He added they would walk outside and monitor the people outside.
Commissioner Joseph stated it was a coffee shop with a 49 capacity and not a raging nightclub. She added café society and café entertainment had a history with San Francisco having people do open mikes and acoustical music and poetry readings were in the North Beach areas and other cities. She added cafés should be allowed to have café entertainment.

Public Comment

Lt. Schlotz stated permit officer Connolly the permit officer for Richmond station wanted to have the Laurel Heights Association meet with the applicant and they

hadn't done it. She added the applicant stated on his application that he had meet with the associations and did outreach although it was not done fully. She added what he listed on his application he did not want to adhere to and Officer Connolly wanted to be clear on his intentions. She added the applicant originally indicated acoustical music only and now it was amplified. She added additional she understood that you could not get a public assembly for 49 because you did not need one unless you had 50 or more.

Edith Walker resides on Collins Street behind the Café Lo Cubano. She added she was the corresponding secretary of the Laurel Heights improvement Association. She added she was a last minute substitute for the vice president. She added they requested a continuance because of the Richmond police station had not submitted their recommendation and the noise officer had not conducted the noise abatement test. She added they had a list of conditions that she felt were reasonable. She added as far as Mr. Rothman being really supportive about the matter she was advise otherwise and he was concerned for the reason presented by Lt. Schlotz. She added Mr. Post stated they would be the only establishment opened after 9:00 P.M. She added it was the first establishment in the area besides Walgreen's down the street and there were a lot of housing units within the area. She added they were very supported of their business mission but it would be ideal if they were restricted to one night a week for live entertainment. She added there were four other conditions. 1. Cubano would have amplified music only one weekday per week until 11:00 P.M. preferably on Thursday and at any other time until 11:00 P.M. only if a private individual or party rented Cubano to have an event. 2. Cubano will only have amplified Cuban Jazz music and no other kind of music unless a private individual or party to have an event rents Cubano. 3. During the time amplified music was played Cubano patrons shall not congregate outside the establishment. 4. There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Municipal Code Sec. 49 or 2900 Seq. Absolutely no sound from the establishment shall be audible inside any surrounding residents or businesses that violates San Francisco Police code section 2900 5. Permit holders shall provide a cell phone number to all interested neighbors that will be answered at all times by a manager or other responsible person who has the authority to adjust volume and respond to other complaints whenever entertainment is provided.

Dee Mosbacher she added she was horrified that those kinds of restrictions were being placed on the establishment. She added she had been at the venue when music was playing and it was very respectful. She added they should not be forced to play only a certain type of music and forced not to have poetry reading or other kinds of readings during other times in the week.
John Wood with the San Francisco Late Night Coalition stated the Canvas Café went in at 9th and Irving in a residential neighborhood and a lot of people were worried about it and the establishment and it was one of the coolest things happening in San Francisco and encouraged the neighbors to not overreact as if it was going to ruin their neighborhood because there was evidence that was not the case if the venue was run properly.

Mark Rennie stated hearing the comments about the type of music and only Cubano music, he decided to speak. He added he had been in San Francisco for a long time and had lived in the industrial area for 30 years what he saw happening was the neighborhoods encroaching on his industrial neighborhood making a fuss about a neighborhood café with a 49 capacity little Cuban café that wanted to put a little life back in the city of an Francisco and found it appalling.

Commissioner Joseph stated if the Commission granted the permit it was a conditional grant and the final permit that gave them the right to operate would not happen until the applicant got his sound abatement signed off. She added by delaying the item did not change the situation.

Commissioner Leong stated would the applicant be willing to meet the association part way by agreeing to a couple of the stipulations specifically one night a week with the exception for his location being rented for private events.

Mr. Post stated his letter conveyed that he was happy limit the music to one night a week and that was his intention. He added would like to maintain his flexibility as a businessperson. He added he would be agreeable to meet with them.

Commissioner Lorin stated these issue had come up before and he thought the commission had established they did not want to restrict a person first amendment rights. He added economically it turned out he had to hold his events on Monday nights the commission should not control especially the kind of music the applicant decided to play. He added he would oppose any restrictions put on the applicant.

Commissioner Meko stated that some club owners seem to feel compelled to make overly ambitious agreements with their neighbors, making sweeping promises that might be difficult to keep. Instead, the commissioner said, it was more important to concentrate on operating a sound business and being a good neighbor.

Commissioner Alan stated he would like to figure out a way to instruct the general population when they were outside talking on their cell phones they did not have to shout. He added when the commission granted him the permit there would be a lot of eyes watching him and it would be incumbent on him to do a good job and he felt that he would and wanted to give him every opportunity as a commissioner to be successful.

Commissioner Leong stated for the record he was not suggesting to limit eh type of music the applicant played.

Public comment closed.

Commissioner Joseph moved to approve
with the condition
Commissioner Meko seconded
the motion.
VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain Commissioner Joseph and Commissioner Lorin
NOES - Commissioner Leong
c) Milano, Gina, dba Bambuddha
Lounge, 601 Eddy Street, Loudspeaker
Permit, Sunday August 7, 2005, 2:30PM -
9:30PM.

Bob Davis stated the applicant applied for the permit on June 26, 2005 to have amplified music in courtyard of the Phoenix Hotel for a party on Sunday, August 7, 2005. He added he notified Burton Wolfe on hearing and the event and he sent a litter opposing the permit. He added Northern station sent approval and Officer Roth conducted a sound test as requested and his report indicated there was a request for the sound to be turned down officer Roth was within 50 Ft and not the 250 Ft. and the applicant complied and turned the sound down. He added staff recommends approval.

Chair Shlain stated Commissioner Pred recused himself from the item on the agenda.

Gina Milano stated when Officer Roth did the sound test they walked 130 ft and did it

specifically to cater to Mr. Wolfe who resides across the street from their venue. She added Larry Howl who is a resident of 711 Eddy Street came to support her because he lives near Mr. Wolfe and stated he could not hear any noise from the venue the day they held their previous event. She added Mr. Wolfe sent a letter to every resident inviting him or her to sue her in small claims court for being a nuisance.

Public Comment
No Public Comment.

Commissioner Lorin moved to approve
Commissioner Leong seconded
the motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Shlain and Commissioner Joseph Commissioner Lorin Commissioner Leong
NOES - None
RECUSED - Commissioner Pred

Discussion regarding permit holder dba 12 Galaxies, 2565 Mission Street, and Mr. Scott Dudley regarding noise levels.

Bob Davis stated the item was on the agenda as a request from Scott Dudley from specific noise complaints. He added there were several items that included police reports. He added Mr. Dudley did not want to see the permit revoked and would like a sound test done. He added he would like the commission to impose an additional condition to add a sound limiter.

Rogee Dindial stated he was counsel for the 12 Galaxies and represented other clubs, bars and art galleries throughout the city. He added they took the noise problem complaint from Mr. Dudley very serious. He added soundproofing had taken place in 2002. He added the complaint from Mr. Dudley came in January 2005. He added they hired acoustical engineers who gave them recommendations and took steps to soundproof the skylights. He added they were happy to say the case had gone to community boards and they were in the process sending out their contact letter so they can address the remainder of the issues in mediation.

Commissioner Joseph asked how the applicant intended to install their sound blanket.

Robert Levy stated the sound blankets were already installed and the skylight was a pyramid shaped and the blankets were an inch in a half thick with special sound installation material outside of the building.

Mr. Scott Dudley stated he lived at 662 Capp Street, which was located behind the 12 Galaxies. He added he was disturbed by the noise from 12 Galaxies and he had three issues he wanted the commission to consider. He added the first issue was to consider a noise abatement officer visit the 12 Galaxies and the apartments behind the club to determine an appropriate level for the clubs limiter including a test of audibility at the 50 Ft. mark per police code 49 and to consider calendaring a discussion and possible action for the next meeting post the sound test and add a permit condition to the club that would require all amplified music to be played through the limiters and an additional sound test a number of weeks after the limiters had been added to determine if any crowd noise my need to be required to sound proof per police code 1060.12. He added the club opened in January 2004 and between January and December 2004 the previous owner told him that his unit was vacant, he added he moved into his unit in December and has had problems ever since. He added unlike the previous operators the 12 Galaxies did not currently include a limiter condition he added a limiter might be suggested on their part. He

added the current owners currently play music at peeks of 103 and 104 DB and occasionally have bands that do not run off the club sound system and they bring their own amps. He added the club is playing music routinely at one magnitude or higher than they originally predicted he hoped the commission could entertain his request to evaluate the limiter condition. He added he had been trying to work with the club since January and they have been polite and have taken steps to resolve the noise problem. He added they have not seen any traction at all in terms of limiting the noise that was audible from the bedroom and he could not hear a difference between now and seven months ago and there were looking for some sort of solution that would be cheap and effective to give them some short term relief prior to the date when the club could complete their soundproofing that may be required. Commissioner Lorin stated it was not an action item but the commission could direct the director to initiate an investigation utilizing the San Francisco Police Department.

Bob Davis stated officer Anzore had returned from vacation and would arrange appointments with the neighbors in the evening at a low ambient noise level at 12:00 or 1:00 A.M. and he would entertain his recommendation.

Commissioner Joseph recommended to the permit holder they lower their db level to 90 DB and they should make their bands play through their system until their soundproofing was conducted.

Report from Executive Director on the following: The status of Kelly's Mission Rock, and the Bay View District clubs and community concerns regarding the Badlands Club.

Bob Davis stated staff served Kelly's Mission Rock with a notice to stop entertainment. He added they filed a notice to stay and the commission did not object to the stay but added conditions that were agreed to by both parties. He added the judge had 24 hours to make a ruling and the commission anticipated their POE would be in effect during the appeal process and not their extended hours. He added there was an incident two weeks ago that occurred between Boondocks and Snow Drift with crowd control issues. He added in the meeting with Captain Bruce of Bayview station it was determined that it would be helpful to have all of the Bayview clubs come together with vice and ABC and Commissioner Audrey Joseph to discuss maintaining lines and sold out crowd polices. He added the meeting would occur on August 16, 2005 at 11:00 A.M. He added the Badland as a result of an initial complaint that came before the Human Rights Commission the commission was informed there had been attempts to meditate and there was a request for reconsideration before the Human Rights Commission that was still under advisement and no response had been issued. He added there was many request of concerned citizens to speak to the commission on the Badlands and staff calendared the item on the agenda to inform the commission. He added it was not a hearing or an action item.

Report form Director Bob Davis on the status of the Badlands and public comment from concerned citizens.

Public Comment on the Badlands

Phil Horne a civil rights attorney stated he lived worked and played in the Castro. He added Police Code Section 3300 Seq. prohibits discrimination based on race ethnicity and national origin and was grounds for revocation and suspension of an entertainment Commission license. He added it was the first time the Entertainment Commission had considered the case of a bar owner who purposely, willfully and intentionally violated the police code section 3300 also Federal and State law. He added Mr. Natali was an attorney and was very was very aware of the code section and laws. He added their case was overwhelming and there were 33 complainants

and there had been findings of intentional, willful and purposeful discrimination based on race, ethnicity and national origin by the very agency in charge of investigating such allegations. He added the Board of Supervisors passed a unanimous resolution supporting the investigation and urging license agencies of the State and City to impose the most serious penalties available. He added the gays and lesbians that live, work and play in the Castro urged the commission to take violations of Police code Seq. 3300 seriously.

Duane Cramer stated it was the first time he publicly acknowledged the unfair treatment that he had personally experienced when he frequented the Badlands Bar. He added he was a 15 year resident of San Francisco he added for 13 years he would casually go to the Badlands restaurants and on several occasions white male patrons would be asked for their drink order before him. He added he could no longer remain silent about the unfair treatment that he received at the Badlands. He added a couple of years ago a friend Kaya Nati (a African American gay male) told him about an experience he had when he went to the Badlands Bar in Afro centric clothing and was tapped on the shoulder by Les Natali and was asked why he was wearing the clothes because it was not Halloween or a costume contest and was escorted out of the bar and his bag was thrown out onto the street by Mr. Natali. He added Kai Nati died earlier this year of aids and was not able to speak and he was speaking on his behalf.

Tiea Dublin resides in San Francisco. He added he went to the Badlands with non African American friends on four occasions and was asked to show two pieces of identification while whites were not asked for two. He added when ordering a drink at the bartender begrudgingly served him and spilled drinks on him and when he complained the bartender called the bouncers over to escort him out the bar. He added he witness the incident with Kai Nati and retrieved his bag for him. He added he ran into the bouncer who threw him out the Badlands and he apologized to him and said that he quit working at the Badlands because he could not stand working there because it was contraire to what he believed. He added he felt he was singled out because of his color. He added Mr. Natali recently hired young African Americans who sing his praises and slant the negatives in his favor and he found it offensive because he has seeked to camouflaged and diminish the seriousness of the discriminatory actions.

Calvin Gipson stated he was a resident of District 8. He added in 2000 Les Natali opened Badlands and in 2001 Kai Nati approached him who was devastated by the fact that he had been kicked out of the Badlands for no reason and he referred him to the Human Rights Commission and it was the first complaint filed against Les Natali. He added in 2002 he was accused of stealing his own jacket by white patrons. He added the bar back tried to eject him out of the bar and it was not until he announced that he was the former president of the San Francisco Gay Pride Parade and Celebration did the bar back retreat and left him alone. He added he had received many complaints about the Badlands from African Americans. He added that he personally approached Les Natali and offered a resolution with the black community and he turned his back on him and he refused to take his business card. He added there was clear evidence that Les Natali discriminated against African Americans and was racist against African Americans. He added the commission should enforce the law and hold him accountable.

Tia Martinez stated she was present to read a statement from her friend Gertrude East who was discriminated against and held accommodations by Badlands on the basis of her race. She added on September 11, 2001 her and some friends went to Badlands after leaving a vigil at the Metropolitan Community Church. She added they had just learned their friend who worked at the world trade center was safe and they wanted to unwind after a stressful day. She added her friends and her entered

Badlands without any difficulty her friends went directly to the bar and she went to use the restroom. She added while waiting to use the restroom a white man in civilian clothing approached her and asked if he could speak with her he took her arm in his hand directed her to the door and told her to get out she was not welcomed there. She asked him what he was doing because she thought he wanted to talk to her by this time they were on the sidewalk outside of the bar instead of answering he went back inside the bar. She added the doorman aggressively intervened and told her she had to walk away because she was not allowed to loiter outside of the bar. She added she tried to explain her friends were inside the bar and she wanted to tell them she had to leave, despite the doorman and her could see her friends at the bar through the window the doorman did not let her return to her friends. She added she called her friend inside the bar and he told her she knew Les and he would talk to him. He added Les came to the door looked right at her and said her friends they could come in but she was not welcomed. She added they called the police and she said, "Let me guess, wrong color or wrong gender." She added the officer called Mr. Natali out to speak and he said he was concerned she was on drugs because she was exhibiting unusual behavior. She added the officer had spoken to her and she said she wasn't on drugs. She added the officer responded to Mr. Natali shame on you I just talked to her.

Don Romesburg speaking on behalf of Jean Paul Samaha. He added Mr. Samaha went to the Badlands on September 11, 2001 with Gertrude East and friends after leaving a vigil at the Metropolitan Community Church. He added upon entering the Badlands, he ordered a drink and joined the line to use the men's bathroom. He added while he was waiting in line for the bathroom his friend approached and informed him that Gertrude was outside and was not permitted to re-enter. He added they went outside to join Gertrude to determine why Badlands were refusing her re-entry. He added they were very confused because they had only been at Badlands or a few minutes, and Gertrude had not had anything to drink and no trouble had been caused by her presence in the bar. He added they questioned the owner and the bouncer about their reasons for denying Gertrude re-entry. They did not give them any reason for their actions. He added instead, the bouncer and the owner merely repeated that Gertrude could not re-enter the bar. He added he stayed outside with Gertrude and called the police on his cell phone. He added eventually the police arrived and the policewoman did not seem surprised by the situation. She added the policewoman commented that Gertrude was having a problem because she was black or because she was a woman. He added the policewoman spoke with the owner of the bar but he could not hear the conversation. He added the policewoman wrote an incident report and left shortly thereafter. He added they left the Badlands after the police departed. He added because of the discrimination he witnessed at Badlands he had suffered emotional distress.

Commissioner Meko asked Mr. Romesburg if the letter writer was the same Jean Paul Samaha who until recently had served as the Planning Department's liaison to the Board of Supervisors.

Mr. Romesburg stated Commissioner Meko was correct.

Marvin Miller stated he resided in Noe Valley. He added in the fall of 2003 he was enjoying a night at Badlands and stepped out to get some cash from the ATM and when he tried to re-enter into the bar the doorman recognized him and was about to pass him through then Mr. Natali stepped in front of the door and in front of him and asked him to show him three pieces of identification before he could come into his bar. He added he asked Mr. Natali what was it about and Mr. Natali said he did not meet his dress code. He added at that point a nonwhite gentleman walked in with shorts and a cap flipped to the back and flip-flops walked right threw without being ID. He added he asked Mr. Natali what he required for three pieces of acceptable

identification. He added Mr. Natali came up with a passport and drivers license. He added he told Mr. Natali that it was only two pieces of identification and Mr. Natali stated he only needed to see two pieces of identification before he re-entered the bar and at that point Mr. Miller pulled out his wallet befuddled and frustrated and upset confused to what he might have done. He added he was going through his wallet Mr. Natali saw a press pass in his wallet he shut down he would not speak to him or look at him and said there must have been some sort of mistake and told him to go in. He added his objection of coming into his bar was based on his color.

Robert McMullin is the director of Stop Aids Project. He added he would be reading a statement of Kaya Nati a former employee of Stop Aids Project. He added on October 3, 2001 Kaya Nati went to Badlands after finishing work. He added it was his first time at the Badlands and he was new to the Bay Area. He added upon entering the Badlands he checked his knapsack at the coat-check and went directly to the dance floor. He added after dancing to two songs, he left the dance floor and went to the bar to get a drink and while waiting to be served, he felt a tap on his shoulder from behind. He added he turned around and a man he later learned was Les Natali told him "Tonight was not costume night. You're not welcomed here." He added he was confused by Mr. Natali's persistence, and turned around again and took a step backwards. He added upon getting a more complete look at Mr. Natali he saw his knapsack that he checked into the coat-check in his hands. He added he then assumed Mr. Natali had sufficient authority in Badlands to ask him to leave, given he had the authority to get his knapsack from the coat-check. He added Mr. Nalali walked toward the exit, with his knapsack in his had and Kaya Nati followed behind him.
He added he was confused and began asking Mr. Natali "What was going on why did he have his knapsack?" He added when Mr. Natali and him were both outside, Mr. Natali dropped his knapsack on the ground, gave the doorman $2 dollars and told the doorman, "Give him back his $2 dollars and get his claim ticket. He's not welcomed here." When Mr. Natali turned back into Badlands he yelled after him, "You racist."

Michael Killen stated he resided in San Francisco and was currently employed by Apple Computer. He added he was on the Badlands payroll from late 2001 to late 2002. He added he was hired as a part-time doorman for the Badlands and also worked as a bar back and covered shifts in the coat-check. He added he was present to tell the commission what he experienced while working the door at the Badlands. He added during his employment he repeatedly witnessed Les Natali's selectively applied policies. He added Mr. Natali's selectively applied policies covered who needed to show identification, what some people could wear and who or what was allowed to bring a back pack in. He added when Les Natali found a African American he did not want in the bar he would ask if he had seen their identification even after telling him that he had Mr. Natali he had he would ask to speak to them outside. He added he would ask to see their identification and even requested to see even more identification. He added he then informed the person they were not welcomed in the bar. He added he witnessed this several times. On other occasion he would personally escort under aged men into the bar and would proceed to buy them cocktails. He added he was told he admit cute under aged boys as long as I got their phone number. He added Mr. Nalatli would use any excuse to sway black people from entering his bar and he would impose a non-enforced dress code and claim that bags were not allowed or reject valid government forms of identification in a private meeting Les Natali told him certain people were not welcomed and they could go across the street. He added they only came into his bar to sell drugs. He added he tried to find rational reasoning in his policies. He added if he was instructed to check identification he would check everyone's identifications. He added Les Natali only wanted him to check ID's of those he did not want in his bar. He added after five months he told Les Natali he could no longer be one of his doormen. He added a few later Les Natali called him and asked if he could help him by covering a shift in his coat check he added the job was offered to him in return for his silence. He added

his silence was never for sale.

Derrick Turner stated he reside in San Francisco. He added he was before the commission because he wanted them to understand Les Natali's racism and discriminatory practices were so offensive and so outrageous that he could not tolerate working there and he felt he had no choice but to quit a job that he otherwise loved. He added he worked as a bartender at Badlands for a period of 6 months between July and December of 2003. He added while he was there witness Les Natalie discriminate against job applicants on the basis of race and sex and was made aware of numerous incidents of discrimination that the employees frequently talked about. He added because it was his job to receive job applications during his daytime shifts he would fetch Les Natali from his office to come back and talk to the applicants. He added whenever he brought Mr. Natali out to speak to an African American or a woman he would become very irritated with him to the point were he would stop talking to him. He added he shared his observation with another bar tender that observed the same thing. He added he also asked Les Natalie that it seemed that they did not hire woman at the Badlands and should he just tell woman they did not hire them. He added Mr. Natali answer was "You would never tell them that." He added which told him that was the policy even though it was not stated.

Brian Sykes stated he lived in Oakland, California and was a graduate of UC Berkeley. He added in March of 2003 he went to Badlands to meet up with some fellow grad students to unwind. He added he arrived early and waited in line and when he got to the bouncer he was asked for two forms of identification and he presented his California drivers license and told the bouncer it should be sufficient and they asked for a second identification and he gave them his student identification and he was asked if he had money to buy drinks and was asked to show the money. He added he showed the money and went into the bar and twenty minutes later he went to buy a drink but couldn't because he was ignored. He added a lined formed behind him and they did not service anyone in the line and he noticed people getting out of his line into another line and they received drinks before he did. He added he yelled down to the bar tenders that he had been standing they're for fifteen to twenty minutes and that's when he got served. He added he moved out from the East Coast and he had never seen anything like that before and he didn't know it was systematic. He added he was married in City Hall a year and a half ago and he could not understand why it was going on in the San Francisco community because you could not demand equality rights from a broader audience (say heterosexual groups) when they actively discriminate within your own group. He added they needed to hold themselves accountable about what goes on in their community if they were going to hold other communities accountable as well.

Luis Valdez he added on a hot August day he and his white partner went to the Badlands he was behind his partner attempting to enter the Badlands and was denied entry three times. He added when asked why the gentleman replied "Comprende." He added it was discrimination because he chose to speak another language and he let his partner in who was white.

James Silva stated he was on the board of directors of the Stop Aids Project. He added
He was present to read a letter to the Badlands management from their volunteer services manager dated November 7, 2003. To the management at S.F. Badlands, the relationship between S.F. Badlands and Stop Aids Project has always been one of cooperation, friendship and unity as they worked together against the threat of HIV in our community. He added the Stop Aids Project cherishes the partnership that had been forged between it is in this spirit that I would like to make you aware of an incident that happened outside of S.F. Badlands on the evening of Tuesday, August 5, 2003, the incident was recently brought to my attention. He added at approximately

8:30 P.M. two of our Stop Aids Project volunteers were conducting outreach in front of S.F Badlands when they observed the bouncer on duty at the door refuse entry to a African American man because he was carrying a small backpack or bag. He added the man protested the refusal noting there were already several patrons inside who had been allowed entry though each of them were carrying small backpack or bag. He added subsequently the African American watched as the bouncer admitted several more men into the club though each were carrying a bag larger than the one he carried. He added when approached with this observation the bouncer became adamant refusing the African American entry back into the club. He added the police were called and made aware of this situation, while the responding officer concluded that there might be a discriminatory practices taking place with the posting no bag sign in the window next to the entrance there were no legal grounds on which he could intervene. He added his Stop Aids Project volunteers told him about the incident and shared their concerns that the no bag rules was only enforced only with the African American man.

Alonzo Reece stated it sadden him as a 20 year activist to speak to the commission on. He added his experience with Badlands had been going up to the bar waiting very respectfully. He added he was forty-four years old and his days of screaming and yelling were over. He added getting up to the front of the bar and having someone behind him being asked first for a cocktail.
He added the first time it happened he thought it was because he was older and then the next person was asked behind him and he stated he did not look like Casper the ghost and may he please have a cocktail. He added after that he rudely got him his cocktail and said, "This is your last one." He added Les Natali once owned a café called The Patio were he was with four other African American men one night having lunch and they realized they had been sitting there for twenty minutes realizing no one asked them for their menu. He added they finally gave their order and realized everyone around them had been served whom gotten there before or after them. He added he finally stood up and said allowed that they were not served. He added at that point they came over served them their meal and gave it to them complementary. He added he left the tip for the amount of the bill because he did not receive a complementary bill from that type of organization. He added racism was not always as blanketed as it was in the 50's. He added the they could not allow someone in San Francisco to decide which African Americans they find to be ok and those they don't and that was what was happening at Badlands. He added for the sake of San Francisco take this into consideration.

Michael Dehart stated he moved to San Francisco 13 years ago he was 22 years old and was looking for employment waiting tables and found employment at The Patio Café. He added after three or four months of working there he was hearing repeated things by the manager that Les Natali had been sued or threaten to be sued for racial discrimination so many times that it was a joke. He added Les solution was to hire Alfee a one-quarter black man who worked there for four months. He added after Alfee the time Alfee had quit or had been paid to quit he left because he was disgusted with the apparent situation of discrimination and sexism to him. He added he ran into Alfee who told him Les Natali stated it wasn't working out and gave him $3,000.00 in cash and said he would give him a good recommendation to a future employer. He added Alfee quit because he knew what was going on. He added years later his African American lover applied for a bartending job that was opening at the Badlands. He added he got a call back to be interviewed him and said they were thinking of a management position at $80, 000 to $100,000 a year. He added it was all good until he went down for the interview and they found out he was black and suddenly the job had been filled and there were no openings for bartenders or bar backs.

John Webber stated it was not the firs time Les Natali had been brought up on these complaints. He added his concern now was they needed to do something a little more

constructive about the situation. He added he wanted the commission to know on August of 2003 and 2004 there was a real situation that happen. He added he cried like a baby boy and grew up in New Orleans and he knew the aspects of racism. He added he had a brother that was hanged in front of him at the age of 13. He added he went into the Badlands one evening with some white patrons and he they went out to get some air. He added they quickly set up the register at that time they asked him to pay $2.00 dollars and he said he had just come out of the bar. He added he proceeded to pay with quarters from the change he received from drinks he bought that day they said they did not accept quarters. He added they said how did they know he had money to pay for the drinks. He added at this point he started crying and his friends came over and consoled him. He added this was something that was happening and it was an indication that goes to show how rampant racism goes in the Castro in the gay community and asked the commission to stop it now.
Harold Jones he added he supported Max Killen of being denied service from the bar. He added he told Max and he was not aware at the time and then became a believer of the incidents.

Steven Goldstein is the attorney for Les Natali stated the mediation would be addressed with Willie Brown. He added people saw things differently and Mr. Natali never discriminated against anyone.

Oscar Martinez stated he worked at the Badlands as a manager and was never asked to be selective to patrons. He added the identification polices was if the first form of identification was not sufficient they should ask for a second form of identification. He added it was absurd that employees practice discriminatory actions at the Badlands.

Commissioner Joseph asked was he presents when the incident happened with the patron Kai and when Gertrude was asked to leave.

Mr. Martinez stated he was not present on those occasions.

Commissioner Joseph asked did he have training in checking identification.

Mr. Martinez stated he did not.

Commissioner Pred asked if he had any knowledge of incidents that went on.

Mr. Martinez stated he did not have any knowledge of the discrimination incidents that happened at the Badlands.

David Sims stated he was a bartender at the badlands and felt that the Castro community needed to come together. He added in his times at the Badlands there were no incidents of discrimination.
Mr. Torabla stated the bar had different cliental and had never experience any issues with staff.

Michael Sanchez he did not experience any discrimination from the Badlands. He added he did not feel that the Badlands had discriminated against anyone.

Commissioner Pred asked how often he went to badlands.

Mr. Sanchez stated he worked every Friday and Saturday night and saw people come in with different color hair and they had not been discriminated against.

Mr. Haslebacher stated he had worked at the Badlands for two years and did not make African Americans patrons wait to be served.

Commissioner Joseph asked if he had ever been stiffed for a drink.

Mr. Haslebacher stated he had never been stiffed for a drink.

Mr. Rico Peng stated he has been working at the Badlands for the past 6 months as a bar back and had never experienced any kind of discrimination nor did Les Natali ask him to kick anyone out. He added people have been kicked out for being drunk or harassed people. He added recently there was an African American trying to get in and the doorman asked him for identification and he felt was discriminated against and did not show his identification. He added they were people that went ahead of him and they tried to explain him the patrons were outside smoking and were reentering the bar. He added they called the police because he would not show his identification. He added people were human and we all made mistake. He added he did a poster that read "Everyone Loves Badlands and Badlands Loves Everyone."

Ron Sharffer stated he was employed at Badlands since June 2002 as a DJ and stated he was accused of being a racist because they did not play Rap music Hip-Hop. He added they did not play country or classical music or other types of genres either and did that mean they were discriminating against those types of people too and should they be looking forward to those people coming towards the commission as well? He added they played a wide cross section of music at Badlands. He added he took of offensive to being called a racist from the type of music he played. He added he played the type of music that got the dance floor going and that was his job. He added Les Natatli owns the bar and should be entitled to play the music he wanted.

Jack Davis stated he was a political consultant he added he had the pleasure of working for a wide varity of people in San Francisco and had a business for 25 years. He added he had the pleasure of running Mayor Jordan's campaign in 1991 and Mayor Willie Brown's campaign in 1995 and chaired the transition team in 1995 at the request of Mayor Brown and his reelection campaign in 1999 and served as consultant to Gavin Newsom's campaign. He added he lived three blocks from the Badlands, it was his "Cheers" and he was a regular. He added at 58 he did not feel discriminated against or someone who was not in the mode of what was heard tonight. He added he wanted to submit as evidence the And Castro for All web sheet, which described him as the Carl of San Francisco who used pernicious behavior to get the ABC to rule that there was no discrimination at the Badlands. He added he did not believe the allegations against Mr. Natali.

Drew Schuetz stated he worked at the Badlands for three and half years and also worked for United Airlines. He added he worked Friday's and knew his regulars and he would be able to serve them their drinks without discriminating against anyone but to someone else it might appear that he was helping someone else. He added society today thought if you frequented a business regularly they should get some type of preferential treatment. He added looking into it, it was what the people were talking about seeing someone getting something they weren't and it may be considered jealousy. He added he never discriminated against anyone.

Sowo Zwazzi stated she was on the steering community of LGBT Black Rap. She added people were abused and attacked at the picket lines in front of the Badlands by patrons and staff. She added there were called nigger and gorillas. She added it was very upsetting to her they would hire black and brown people to stand there and call them niggers and gorillas. She added bottles were thrown at them and their signs were stepped on and ripped up. She added for people who were not committing racism this was not the type of action you would expect. She added it was a problem

in the gay community and a problem in the Castro. She added she has walked in the Castro and was called a big black nigger bitch twice. She added it was common practice of the Mr. Natali was doing in other bars throughout the Castro and other stores in the Castro. She added they had to take some steps to change it because it was horrific. She added it was scary for her to walk to through the Castro but she claimed it and she would continue to go there and would not be run away.

Michael Goldstein stated he was with the past president of the Harvey Milk LGBT Democratic Club and a elective member of the San Francisco Democratic county central Community and was recently elected to the board of directors of the San Francisco's People's Organization. He added all three organizations signed onto the resolution sponsored by all eleven Board of Supervisors and passed unanimously at the Board of Supervisors supporting the Human Rights Commission findings And Castro For All. He added the resolution asked that all agencies with regulatory authority over San Francisco Badlands and Mr. Natali's other establishments including the San Francisco Entertainment Commission to consult the commission finding and to impose penalties to the fullest extent of the law to ensure that discrimination of the typed documented in the HRC finding did not go unpunished. He added over the past fourteen months he got to know the complainants and totally believed their experiences to be true. He added the commission had a mandate by the voters of San Francisco who chartered the commission and responsibility to the commission's pointing bodies to revoke or suspend the license of a business that broke the law. He added they wanted the Entertainment Commission to revoke or suspend Mr. Natali's entertainment permit.

Commissioner Joseph stated she was aware there was mediation that was going to happen and the former Mayor would be mediating between And Castro for All and the Badlands. She added would the mediation be the only thing that would satisfy And Castro For All to have Les Natali's Place of Entertainment Permit revoked and what did they want or what they would accept and what they would not accept.

Michael Goldstein stated he was glad Commissioner Joseph asked the quested. He added he had to explain his position with And Castro For All as a community allie and those who would be in the mediation would be the complaint's and two spokes people who were directly involved with And Castro For All and therefore he could not answer the question completely. He added he believed that it had been proposed.

Commissioner Lorin stated what ever transpired the Entertainment Commission did not have the authority by law to revoke the permit. He added the most the Commission could do if they could conduct hearings was to suspend the permit.

Julius Turman stated he was the attorney for the eight complainants. He added the complaints were looking for a redress of their problem, redress of the issue and respect within the community. He added they want businesses establishments in the Castro to operate without discrimination or come up with a severe monitoring structure so that they could be sure that Mr. Natali's action did not ever cross into discriminatory areas again. He added they would ask for the Human Rights Commission and the Entertainment Commission's participation in monitoring process because they believed it appropriate that government act with its community to ensure the laws were preserved. He added they were also seeking in the process some sort of training for the staff members who were part of Badlands when the incidents did occur. He added the Commission might hear from a few of Mr. Natali's employees and hoped the commission would inquire to each of them when Mr. Les Natali employed them if they did participate at the bar at the time. He added the shades of his employment record changed over time as complaints began to raise their concerns. He added there should be some element of community service to bring a better understanding and o heal some of the riffs that Mr. Natalie actions had caused

in the community. He added the complaints were not seeking to changed Mr. Natali's mind but they could monitor his actions. He added the Entertainment Commission may not be able to revoke the permit but they could suspend it. He added he hoped the commission would take the complaints and the people who stood up today consideration.

Tommi Aviciolli Mecca stated he had been a queer activist for 35 years and the weight of history was on San Francisco's and the Entertainment Commission. He added in 1972 he helped organize boycotts against bars in the gay area of Philadelphia that discriminated against blacks and women. He added they had the weight of evidence of the Human Rights Commission in Philadelphia at the time. He added they unfortunately didn't have a commitment from the City and State to look into the matter and hold hearings. He added they failed in their objective of changing the carding policies at bars in Philadelphia. He added when he left in 1991 it was still going on in the bars. He added now in San Francisco in 2005 the commission had the ability to address the issue. He added the commission had a responsibility to take a stand. He added History would San Francisco addressed racism in the queer community or it did not. He added the commission should make it clear to all of history that San Francisco they did not tolerate racism in any community.
Dawnne Woodie stated she was a transgender woman and resided in San Francisco for two and a half years and came from East Texas. She added she was very active in the community and for two and a half years. She added one of the issues was brought to his attention when she was standing in church on a Sunday evening and wrote a letter to the Bay Area Reporter that was printed in the letters to the editor. She added on a Sunday night in the Castro a friend of his in the Castro came to her crying because of the insults and threats and mistreatment that were thrown his way as he walked on the sidewalk past the Badlands bar. She added he was a white 52-year-old transgender female who was active in many communities programs from involvement in various transgender and LGBT organizations to membership to a local and very inclusive local church. She added his friend was one who regularity attended the church who was a young African American gay male. She added he was walking in front of the Badlands bar and was screamed at and threatened called the hated "N" word and told he was the root of all their problems and he was not welcomed in their neighborhood. She added the people who said it came out of the bar and he was frighten for his safety. She added according to him he had been harassed and threatened before in the Castro neighborhood. Dwanne Woodie added as a woman and a transgendered woman she often got insults thrown at her from the rank and file of the males in the Castro but she generally ignored them knowing much of the time it came from ignorance and lack of understanding of what transgender was. She added the racist comments that came just because a person walking down the street was wrong.

Cedric Brown stated he was present to read a statement by John Newsom who was one of the leaders of the leaders of And Castro for All. "Today represented a moment of truth for this commission an moment first of other, lesser truths. The criminal truth is that Les Natali violated the laws of this community, and violated the civil rights of its members, not just the 30 victims courageous enough to come forward, but the dozens more who ere too afraid to speak the truth. The awful truth is that Les Natali acted with the consent of this community. He added leaders who knew about Les Natali's Jim Crow practices tuned a blind eye. Natali's long-time employees including, probably, some of those who were here today complained to friends and even to us but at the moment of truth, many of them cowered and hid the truth to the government and to the public. He added while recognition had come, the unjust truth is that the City has not held Les Natali accountable for his actions in any way whatsoever. He added the simple truth is that we deserve better, we deserve fairness, equal treatment under the law, and justice. He added and so, Commissioners, today is your moment of truth with it what will you do."

Ms. Macias stated the Commission's role in the City had always been important but never had it been more significant than it was today. She added like the African American complainants the commission didn't seek to deal with the issue but it was the hand the Commission had been dealt. He added the hand that the black complainants had been dealt consisted with a yearlong struggle to get the powers that be to acknowledge the racism they experienced and provide the redress they deserved. She added for over a year they have been humiliated, dismissed and denigrated there collective commitment to have their very own rights laws enforced had earned them the labels of opportunist, exaggerators, and loud mouths and overly sensitive blacks with chips on their shoulders who perceived discrimination. She added justice must be served.

Kelly Hart stated he was a San Francisco native who was active in the LGBT community for most of his adult life. He added he personally believed they were not the ramblings or whining of drama queens they were people who had a valid complaint. He added He added people had a valid complaint. He added discrimination must be fought, addressed and dealt with harshly and was not welcomed in this down.

Chris Daley stated that he was sorry if anyone had been expecting the member of the Board of Supervisors who shares the same name. Rather he worked at the Transgender Law Center and talked to people every week who faced gender identity based discrimination and almost always people called in and said they could not believe this happened in California or too often they could not believe it happened in San Francisco. He added the testimony about the treatment of woman and African American gay men at San Francisco Badlands begged the same question. He urged the Commission to take the complaints with the up most seriousness.

Francis Collins stated he was 56 years old and had a bad experience at the Badlands and was denied entrance by Les Natali because he had heard complaints about him. He asked Mr. Natali who made the complaints about him and Mr. Natali would not tell him from whom and walked him out of the door. He added it was very humiliated. He added he did not use hard drugs and was a recovered alcoholic and had not had a drink in thirty years. He added he made a hat to tribute Dr. Martin Luther Kings birthday and was told by the doorman that he could not bring it inside the bar.

John Mburu stated he was from Kenya and he use to go to the Badlands and was horrified when he found out so many of his had been treated so differently. He added there was a question about was there evidence even when its been presented to the commission. He added the question was what would be the ripple effect of the Commission's decision upon the city and other people living in the city who like himself saw the idea of freedom and equality getting tarnished.

Brian Larson was present to speak on behalf of Brian Elliot. He added he was the roommate and long time friend of Derrick Turner a former employee of Les Natali. He added he had the unique opportunity to see an incredible community initiative against discrimination be born in his home. He added it began as mere conversations and depressing antidotes that Derrick would tell him after coming home from work at Badlands. He added Derrick would say he couldn't believe it was happening and Les could get away with what he was doing. He added he couldn't believe it either. He added the incidents that Derrick and others reported were outrageous and must not go un-addressed. He added he employed the Commission to hold Les Natali accountable for alienating African American patrons and employees and for making workers like Derrick Turner for feeling wrong for standing up for what was right. He added please help restore the values they have fought so hard for and continue to fight for inclusion diversity tolerance and justice. He added only the Commission now had the power to rectify the wrongs that had divided our community and begged the

commission to do what was right.
Gween Graig stated it was all too rare that a members of local Commissions had the opportunity to strike a blow for justice and take a stand against racial bias and hoped the Commission would take full advantage to make a difference. She added she appreciated the role the Commission played because she served in similar capacities. She added she served along with Commissioner Bowman Leong with the San Francisco redistricting task force. She added prior to that she served on the San Francisco Police Commission while serving she seized the opportunity to try to change the evil practice of discriminating against bar patrons based on their race or gender. She added she introduced a measure that was added to the police code that outlaw the practice of requesting multiple pieces of photo identification in order to be added entry into an establishment or served an alcoholic beverage. She added her and her fellow police commissioners thought perhaps naively that the measure would bring about a end the type of discrimination that was all to prevalent in far too many bars of excluding certain people by setting the bar too high for them to be granted entry. She added the personal stories of African American patrons or would be patrons at the Badlands Bar indicated the practice persisted there quite blatantly and openly. She added Les Natali the owner of the bar had offered no statement to indicate he had any regret, apology or remorse for demanding the multiple pieces of photo identification from certain people. She added he was already in violation of one measure that was adopted by the City. She added Les Natali used many maneuvers to keep African Americans out of his bar. She added she hoped the Commission would strike the blow for justice in placing the recommended restrictions on the Badlands bar.

George Smith stated he was the Co. Chair of LOGOTA. He added Commissioner Lorin commented very quickly about the ABC findings. He added he found it really strange and he knew that the city and state had a judgment against same sex marriages but it did not stop the city from going after it and doing the right thing and fighting for the right thing. He added he knew if it were a Caucasian issue and would not blame them. He added fighting for fighting for African Americans people was the right thing too. He added he did not understand how he could hear even in the gay press how you could take the truth and create fiction. He added it was not a gay issue it was an African American issue. He added whether or not the commission thought they did not have jurisdiction the Commission should say something or have comment.

Commissioner Joseph stated discrimination on any level in any form was reprehensible whether it was against blacks or whites women, men, Jews gays, lesbians or transgender. She added she would have not acted any different if it were a white issue.

Paul Mooney stated he was one of the organizer's for And Castro of All. He added how the commission could grant a permit and not have the power to revoke it. He added he use to go to Badlands as a white gay man he would enter with a backpack and was never denied entry. He added in pass the Commission had suspended permits on the basis for noise complaints. He added what happened at Badlands was far worst. He added it hurt the community. He added the only thing that was relevant was the facts and the law. He added it was now in the Commission's hands to take disciplinary action against Badland. He added the Commission should pursue the matter to the fullest extent possible and revoke or suspend his permit.
Commissioner Lorin stated they were laws passed by the Board of Supervisors. He added they have been changed down through the years. He added there were times when a permit could be revoked but it was very specific of what the violation had to be, like lying on application.

Teresa Martyny stated she didn't plan on speaking. She added she use to go to Badlands a lot with friends of here and she just realized tonight that a few years ago when she witnessed someone was being escorted out of the bar because it wasn't

custom night she realized it was Kai Nati. She added she felt like she needed to stand up for him. She added she looked forward to seeing the Commission doing the right thing.

Commissioner Joseph stated in her estimation some of the actions were discriminatory of the identification tactics. She added staff could do an investigation on how to proceed on the issue.

Commissioner Pred stated the Commission should approach the Police department and find out how they might investigate and enforce the police code sections the Badlands may be violating in regards to the multiple identification issue that was raised.

Monique Vancil stated she was a community activist. She added she was embarrassed to be an American during a protest. She added she had just become a U.S. Citizen in 1997. She added she voted in every election and did whatever she could to be a good citizen. She added bottles were thrown at her during a protest and it was the first time she experienced discrimination. She added the law had been broken and the Commission should do what was right and make a believer out of her.

Michael Nulty stated he grew up in San Francisco and after hearing the discriminatory practices was very disheartening. He added it was not acceptable practice. He added today Castro indorsed the community benefits sister for the Castro. He added it was a possible way for Castro businesses could address their concerns about safer neighborhoods for the Castro.

Dee Mosbacher stated asked the commission to do the right thing to make her proud of being a lesbian and proud again of being a citizen of San Francisco.

John Wood stated he was speaking, as a community member in the Castro and for the record The San Francisco Late Night Coalition did not have any relations to Les Natali or the Badlands. He added there was ample evidence that discrimination had occurred at the badlands and if the Commission through the process it had to go through found there was discrimination he thought a suspension should be issued. He added it was important to send a message that such things should not occur in San Francisco and as a member of the community he would support. He added as a member of the community he was disappointed that it has been going on for year and he had yet to hear a constructive program to deal with racism in the community. He added he challenged the people to articulate a program and not to turn it into something about Les Natali and revenge. He added the people were intelligent enough to articulate the program.

Chair Shlain stated the Entertainment Commission took the issue seriously and would do everything in their power to direct staff to work with the City Attorney to see what the Commission could do in form of an investigated. He added it was not a hearing but a form for the public to be heard and thanked them for giving the Commission an opportunity to understand their positions and different perspectives on the issue.

Commissioner Joseph stated in the 80's the skinheads came out to the western addition in the Height and came into the Castro and indiscriminately kicked the butts of men women devoid of your color, age or size. She added they got together instead of eating their own and working against each other and formed the gay guards a group of men and women all colors all ages and all sizes and they patrolled their neighborhood. She added in less than four months there was not one skinhead left. She added they had to get together as a community get out there as a group and go out and pound the pavement. She added they would not change the minds of people who were deeply prejudice but possible influence people who were young coming up and change their minds.

Commissioner Lorin stated the commission heard enough evidence that discrimination did occur and that action should be taken. He added even if there was mediation between Willie Brown and the establishment if there any complainants that wanted to come forward and file a complaint with the Commission a hearing should precede. He added the City Attorney should be contacted to see if the statute of limitations and amount from the time the offensive took place and the time it was reported. He added he was disappointed with the Human Rights Commission not having enough teeth after conducting a hearing and coming up with findings that the victims weren't satisfied and it should not come to another hearing. He added if the Commission could help they would do whatever they could.

Commissioner Alan stated as a gay man that took a long time to figure out he was gay, he did not come out until he was thirty and he discovered ageism very quickly when he walked into his first gay bar and there was 20 year olds and he was the last one to ever get served and it did take root in his physique and in his mind that our own community did not treat its own people fairly justly and equally. He added in moving forward in a position were he could have some influence to affect how the Commission could create a wave of change so that it would not be the experience shared by the younger brothers and sisters as they moved into the community. He added it was incumbent upon him to do that. He added apology, remorse, punishment, and education employment practices, change community service oversight were the words that he gleamed from all the testimony that came forward as to how the Commission might create a solution. He added not a solution that focused on a man or practice but a solution in rooting out the deeper causes for why some people were not being treated fairly and differently than other folks in the community. He added if the Entertainment Commission could release the City and truly create change and he would like to be a part of it and welcomed the challenge ahead.

Commissioner Pred stated he strongly echoed Commissioner Lorin's comments regarding the previous hearing and Commission's findings of the Human Rights Commission. He added he was struck by the number of employees that denied the allegations of the outrageous behaviors that were being perpetrated against our own citizens. He added he could not help but be reminded of the Germans after World War II who denied any knowledge of wrong doing. He added he looked forward of taking further action when the Commission had a proper hearing and the opportunity to make a difference on the issue. Commissioner Pred's statement has been retracted as of the August 16, 2005 Entertainment Commission meeting.

Commissioner Meko stated very conceivably the Commission would be sitting on the issue again in an administrative hearing and must be careful not to prejudge the case. He added no one could deny the entire Commission had been moved by the testimony today and thanked the complainants for coming forward. He added it would be a long process. He added please be patience and the Commission would do its very best to produce justice.

Commissioner Leong echoed the sentiment of the fellow Commissioners and looked forward to a lively robust hearing in the future. He added the Commission should proceed regardless of the mediation settlement. He added the Commission was an independent body and needed to act independently.

Commissioners Comments
& Questions

Commissioner Pred apologized for being late and stated he was taking care of his re-appointment to the commission. He added

Commissioner Lorin stated he looked forward to staff having an investigator to follow up on issues that involved the identification checking at the Badlands for African Americans.

Commissioner Joseph stated this past Sunday on Utah Street between 15th and Alameda the members of The Guys of Almighty and a promoter put on "Rock the Bells" an old school event. She added the event went well and there were no problems. She added there was another event going on at the same time and the police department was stretched really thin. She added the commission could recommend an alternative solution for security at events.

Chair Shlain stated to add alternative methods of security at events to the next Executive Committee agenda.

Commissioner Pred stated whether patrol specialist were equivalent to 10-B officers in their applications to special events. He added the sheriff department was involved to Halloween in the Castro and look into their support and wanted to find out the answer.

Chair Shlain stated he to keep the continuity and take it off the agenda would finish an ongoing item on the Executive Committee.

Commissioner Alan stated he had reason to be in communication with the night manager and the owner of Boondocks regarding their perception of the interaction with the San Francisco Police Department as it related to one Saturday evening last week. He added
he had a long conversation about it and he sensed in the conversations when the police department came to the Boondocks event and saw hundreds of people outside that were denied entry for various reasons. He added he turned the management of the venue and said were they going to handle it or were they going to have to start arresting people. He added it put the club owner of the club in a very precarious position where he was asked to make a judgment call on behalf of the police department as to what he wanted to do with all the people on the street. He added having been in similar situations with police officers he suggested when they went into the meeting with Captain Bruce that there might be some on-going training for the night patrol. He added it might be something that could be done to break the barrier of "us verses them" as it relates to what to do when patrons overwhelmed a venue.

Report from the Executive Committee. (Jordan Shlain, Chair)

The Executive Committee meeting was cancelled for August 1, 2005 and there was nothing to report.
9. Discussion of agenda items for future
Entertainment Commission Meetings.

Chair Shlain stated to add as an action item to the next entertainment commission for August 16, 2005 cancellation of the first Tuesday meeting in September due to the Labor Day holiday.

10. Adjournment. 8:36 P.M.

Respectfully Subm

City and County of San Francisco
Entertainment Commission

August 16, 2005

Notice and Agenda for Meeting

Tuesday, August 16, 2005 at 5:00 P.M.

Room 406, City Hall

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San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of August 2, 2005. [Action Item]

2. Statement by Commissioner Pred in response to The Badlands public comment discussion on Tuesday, August 2, 2005.

3. President's Report: Cancellation of the September 6, 2005 Entertainment Commission meeting. [Action item]

4. Presentation of San Francisco Fashion Week from Erika Gessin.

5. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. [Action Item]

a. Kapp, David, dba "Deco Lounge," 510 Larkin Street, Extended Hours Premises.

b. Douglas, Kane, dba "Poleng Lounge," 1751 Fulton Street, Place of Entertainment.

c. Hundahl, Victor, dba "The Mint," 1942 Market Street, Place of Entertainment.

d. King, Pete, dba "Prideworks/Hairrison Fair," Best Western Hotel, 364 9th Street, Friday August 19, 7PM - 1:30AM, Loudspeaker Permit.

6. Report from Executive Director on the following: The status of Kelly's Mission Rock, and the Bay View District clubs. **[Discussion]**

7. Commissioner Comments and Questions.

8. Report from the Executive Committee. (Jim Meko, Interim Chair) on the following:

9. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

10. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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Room **406** is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate

e individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

'Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

August 16, 2005

MINUTES OF THE
August 16, 2005 REGULAR MEETING
City Hall, Room 406
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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COMMISSIONERS
Present

Jordan Shlain, Chair
Audrey Joseph
Terrance Alan
Joseph Pred
Jim Meko
Bowman Leong

STAFF
Present
Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:08 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko and, Bowman Leong, Jordan Shlain, Joseph Pred and Audrey Joseph.

Absent at the time of roll call were: Bruce Lorin.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.
PUBLIC COMMENT

Scott Dudley resides at 662 Capp Street. He asked the status of the noise abatement officer on 12 Galaxies.

Bob Davis stated Mr. Dudley was on the agenda for the last meeting after some noise complaints from the 12 Galaxies. He added Officer Anzore preformed a sound test in unit No. 3. He added they have not had an opportunity to share the report with 12 Galaxies. He added staff would send a copy of the report with Mr. Dudley. He added he would like to agendize it for the next agenda to report to the full Commission.

Barry Toronto stated that his name was misspelled on the minutes of August 2, 2005. He added the Fillmore auditorium was a problem. He added when they did shows they blocked the front entrance with trucks He added it was a safety problem when patrons of the venue dodge out into the streets when hailing cabs and the trucks were in the way. He added the Fillmore security did not treat people nice and he heard it from his passengers and they should be nicer to cab drivers because many patrons took cabs from their venue. He added he hoped the Commission could work something out.

Bob Davis stated after Mr. Taranto made his comments they had a fatuitous meetings because they made some permit changes to meet with the people from Fillmore. He added their problem was their load in load out had to be on the small lane on Fillmore and started their load out at certain time. He added they talked about approaching DPT about putting in some kind of cabstand lane around the corner. He added there was no parking and the residents parked on the street. He added the Fillmore agreed that they did not want to see people dashing out.
He added or have cabs blocked up blocking traffic. He added they had no other way of dealing with their load because they did not have a side entrance. He added they were aware of the problem but they did not have a solution at this point.

Public comment closed.

1. Review and approve minutes of the Regular Entertainment Commission meeting of August 2, 2005

Commissioner Alan stated he did not receive the minutes in enough time and made a motion to continue the approval of the minutes.
Public Comment
No Public Comment.
Commissioner Alan moved to continue
the minutes of August 2, 2005
Commissioner Leong seconded
the motion.
VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain Commissioner Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Lorin

2. Statement by Commissioner Pred in response to the Badlands public comment discussion on Tuesday, August 2, 2005.

Commissioner Pred stated fellow commissioners employees of the Badlands and members of the public. He added he would like to take a few moments and comments about the last Commission hearing and the Badlands agenda item. He added it was indeed a moving meeting full of strong opinions and feelings many were caught up in the intense feelings including himself. He added one of the values he strongly believed in was San Francisco should be a place that was free of all types of

discrimination and racism. He added it was my passion for that value that affected me to inappropriately lash out at the Badland employees. He added for that he apologized for everyone that was offended by the comment itself. He added the Badland issue was between Les Natali and the public and my comments distracted from that issue at a time when as Commission they were here to listen and not judge. He added should there be an Entertainment Commission hearing regarding the Badlands in the future I agree to recuse myself if the City Attorney advises such action is necessary. He added I retract my statement with the hope we can refocus on solving the issue between the public's concern and Badlands and request staff to note in the meeting minutes from the last Commission meeting on August 2, 2005 the comments made were redacted on this day.

David Sims stated he resides in San Francisco. He thanked Commissioner Pred for apologizing and redacted his statement and recusing himself. He added it took a large man and strong man to do that. He added the Human Rights Commission report itself had exonerated every Badlands employee when it came to service based on the color of someone skin. He added the former employees Matt Killen and Derrick Turner that were supportive of And Castro for all and have said they had seen discrimination had never said that and employee of Badlands never discriminated against anyone based on the color of their skin. He added they were trying to defend themselves, as individual and they were not racing. He added they were on the front lines everyday to prove and show that the Castro could be a diverse place and racism anywhere could not be tolertated. He added if there was a hearing one day the Commission should listen to evidence that was being said as well as evidence that wasn't said and ask the tough questions and not just of the Badlands employees and Les Natali, but of also of the claimants. He added if the Commission could not do that they could not get were they needed to get to end the problem. He added the corner stone of their democracy was due process and asked the Commission to give that to Badland staff to Les Natali as well as the claimants.

Chair Shlain stated should there be a hearing they would ask the tough questions of everyone and their would be a fair and just hearing with due process.

Public comment closed.

3. President's Report: Cancellation of the September 6, 2005 Entertainment Commission Meeting

Chair Shlain stated the Executive Committee meeting up and running. He added the first two years he was the chair of the Executive Committee they spend a lot of time doing nuts and bolts activities and thought a lot of the activities were worked through. He added the Executive Committee did not need to meet every two weeks and suggested the Executive Committee meet once a month. He encouraged the current Executive Committee to get a meeting on the agenda. He added he would continue to work through the hearing process with the City attorney's office to streamline it and keep it fair. He added he meet with a few people to ascertain oh how they could work with Park and Recreation a little better to help them do their permitting in the park and he and Bob Davis were working on a pilot project to develop a model. He added the September 6, 2005 meeting would be cancelled due to the Labor Day holiday and the next meeting would be on September 20, 2005.

4. Presentation of San Francisco Fashion Week from Erika Gessin.

Erika Gessin stated she was the founder and producer of San Francisco Fashion week and wanted to raise awareness about their event. She added San Francisco Fashion Week was in its second year. She added their show would run through August 24, 2005 through August 28, 2005 and they would showcase 20 fashion shows from the

cities most establish and emerging fashion designers. She added they were doing fashion related educational workshops and seminars in addition to after parties following the first show. She added they were doing it in the spirit to unit the fashion community and bring the cities fashion community together from retailers to modeling agencies to designers, so that the industry could grow and flourish and that their fashion designers could stay and work and live in the city that they love and not feel forced to move to New York or Los Angeles.

Commissioner Joseph stated fashion week in New York was a big deal and they showcased local designers like her and they also showcased some famous people and asked would their event look into showcasing any famous people in the future.

Erika Gessin stated it was sort of their plan. She added they showed a few more established designers last year from New York and Los Angeles and they felt it helped boost the credibility of San Francisco Fashion week. She added this year they felt they had a little bit more ground to walk on, and this year they kept the event to local designers. She added in the future as the event became more successful and there were more opportunities for their designers to work within the industry at large and would look into brining in other designers come to San Francisco.

Commissioner Alan stated the applicant pointed out a consistent theme she echoed in her comments that San Francisco was a great place to incubate your talent and a terrible place to make a living once you were good at it. He added the things she was doing together with art festival and music festivals were what was going to make San Francisco a habitual place for artist and musicians and thanked her for doing her part.

5. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

a. Kapp, David, dba "Deco Lounge," 510 Larkin Street, Extended Hours Premises.

Bob Davis stated the applicant applied for four permits on May 20, 2005 to open the Deco Lounge. He added the entertainment planned for the venue plan was live sing-along piano bar, female impersonators and comedy. He added the extended hours permit was conditionally granted on June 21, 2005, however it was extended until July 19, 2005 and now was returning to the calendar. He added the continuance was moved forward due to Commissioner Alan's concern regarding the issue raised by the SFPD northern station. He added all of the issues were satisfied and staff recommended approval.

Mr. Kapp stated he hoped to get his permit approved because it was the fourth meeting he had attended. He added, he did not know what was going on with Northern station, and everything else had been approved. He added he thought it was their opportunity to protest if they wanted to.

Commissioner Leong stated did the applicant have the opportunity to meet with concerns neighbors from a prior meeting who had concerns about some issue.

Mr. Kapp stated he had not met personally with any of the complainants. He added the ABC was putting their investigation through their final phases and did not know what it involved until it was presented to him.

Public Comment
No Public Comment.

Commissioner Alan moved to approve and Commissioner Joseph second the motion
VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain Commissioner Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Lorin

Chair Shlain stated he was sorry the applicant had to go through four meetings but some times there were extenuating issue and the commission wanted to make sure they button up on their processes so there were no repercussions.

b. Douglas, Kane, dba "Poleng Lounge," 1751 Fulton Street, Place of Entertainment.

Jocelyn Kane stated the venue was previously Story Ville. She added they were planning to provide entertainment nightly until 2:00 A.M. She added there was an approval from Planning with some restrictions that were placed on the previous owners with the exception of a dance floor size. She added she reached out to the captain and the permit officer was on vacation. She added it was an on-going concern that had not been closed. She added in the Commissioners package there was a complaint letter from a near the neighbor with a letter of response from the applicants.

Mr. Desi Danganan stated he reached out to a few community groups and met with Captain Aldridge at Park station and he gave him a list of community groups to reach out to and he called several of them. He added some of the group's felt they were out of their jurisdiction and did not want to meet with him. He added the North Panhandle Neighborhood Association wanted to meet with them and they met with them two times and they told then the generalities of what their plans were and asked them were there any kind of community issues that they should know about. He added there were no issues other than loitering in the front. He added they asked to speak to them at a later time and he sat down with them and got in to the specifics of what their concepts were. He added the venue location in the past had problems with fights and shootings and the neighbors were concerned. He added he gave them a presentation of what there concepts were so it would elevate some of their concerns. He added their presentation to the commission would reflect the city and the different demographic groups of people they were targeting. He added they wanted to offer a lounge culture at their venue by balancing called a lounge culture and tea culture together called "Poleng." He added they were working with their architects to avoid some of the sound problems the past venues were having. He added they were going to enclose the ceiling in glass and create an indoor smoking area so people did not need to go outside and loiter and smoke. He added another problem was the residents could still hear some base thumping from the back room of the venue. He added they were working with JK sound to come up with some additional soundproofing designs. He added with the two changes to the venue it would address some of the neighborhood concerns.

Commissioner Joseph stated had the applicant ever run a club before.

Mr. Desi Danganan had never run a club before, he added Mr. Kane had before and he dealt with the marketing aspects of the business.

Commissioner Joseph asked the applicant how they were going to reach out to all the different demographics.

Mr. Danganan stated one of the ways would be marketing to each area.

Commissioner Joseph stated what the applicant would do if their venue hit hard times.

Mr. Danganan stated because their concept revolved around tea and dining and nightlife they were not solely dependent on nightlight like the previous venue.

Commissioner Alan stated Douglas Kane was lacking a corporate title and were there any other managing members of the LLC. He added corporate law required that the managing members were the ones that had the day-to-day operations on behalf of the LLC. He added legally they were the one's to whom the City and County, Commission and neighborhood would look to for problem solving if things occurred in the future. He added the missing information could be addressed and it raised a little bit of a flag for him.

Douglas Kane stated his title was managing member and he was a LLC. He added Tim Lum as well as Ill Kwan Hine.

Commissioner Alan stated page two of the applicant's application were they list the building code occupancy show limitation of 147 and yet they were expecting 200 patrons per and did it mean that they intended to violate their capacity on a regular basis with each show?

Mr. Danganan stated they were taking in consideration of in and out traffic people coming in and leaving.

Jocelyn Kane stated the application was fixed.

Commissioner Alan stated it was not only was the responsibility of the managing members ensure their sound did not come from the venue itself, it was also important that they embodied in their patrons a culture of respect. He added it was a commercial corridor within a primarily residential district and it was a challenge to mange a business that was open late in such an environment. He added as a seasoned veteran of the issues between neighbors and nightclubs he needed to overdo their work to make sure that the lines of communication were present so that if there was a problem id doesn't build up and they could address it immediately. He added what would the result of the meeting in their mind that they had with the neighborhood association and what they wanted to come away with.

Mr. Danganan stated they joined the neighborhood association and were looking to do a proactive approach within their community. He added they were scheduled do a general presentation to all the members on September 15, 2005. He added one of the board members said the reception could go either way, and there were members of the community group that would be opposed to having more nightlife and members that would be happy to see the venue rise from the ashes again. He added from having the meeting they wanted to have a better understanding of their concerns and a better understanding from them of what they were trying to do. He added they wanted to be an all incumbencing hub venue for the neighborhood.

Commissioner Alan stated the applicant should add to their agenda to add their phone number to continue outreach. He added the applicant mentioned street parking and could they advise the commission on how they were looking to form a relation ship with Albertson's and how it was progressing.

Mr. Danganan stated they additional planned to create a valet service with the underground parking garage at Albertson but it turned out at night it became five dollars all night and negating the point of having valet parking.

Commissioner Alan stated was the applicant's making a representation that the Albertson parking lot was available in the evenings for five dollars. He added in the applicants security plan they indicated that their security personnel would attend the ABC Lead training and recommended they include the Guard Card training. He added was the applicant familiar with the Guard Card training program.

Mr. Danganan stated that was correct. He added he was not familiar with the training.

Commissioner Alan stated staff would give the applicant contact information the Guard training.

Commissioner Joseph stated who would their security be professional trained by if they were not doing the Guard Card training.

Mr. Danganan stated they were working Wolfe security and their team went through extensive training and they also provided security for other venues in the city.

Commissioner Joseph echoed Commissioner Alan's suggestion of Guard Card training for the applicant's security personnel. She added after reading their security plan it seemed a lot f things they did regurgitated the Commission's suggestions. She added, on the applicant's application they stated security personnel would break up all customer altercations and escorted out of the premises. She added what would they do with the patron after they escorted them onto the street.

Mr. Danganan stated they would escort one of the parties outside and leave the other patron inside until the other one had disbursed.

Commissioner Joseph asked would the applicant have a cool down period. She added the applicant had to really thing their security plan through and control their crowds. She added her concerns were the applicants were not knowledgeable with their proposed security plan and suggested they get professional help.

Mr. Danganan stated they would have a cool down period by turning up the lights, and last call for alcohol and slowing down the music.

Commissioner Alan stated their questions came from a long history of dealing with the issues over and over again and they were not meant to put the applicant on the spot, but to highlight in their application and concept were the applicant may needed to rethink some things. He added the comments of Commissioner Joseph and him came from years of standing in front of a venue dealing with the very things they would have to deal with on a nightly basis. He added he must enter their business with a clear idea of what they were going to do from start to finish.

Public Comment

Chris McDonough stated he appreciated the presentation the applicants made. He added he meet with the applicants and they honored his request to bring the noise down but it did highlight the fact that it was a continuing problem. He added the suggestions the commissioners made could resolve the problem. He added the building was flimsy and was the reason there were so many problems. He added he lived three buildings to the left of the venue and he has an infant daughter and it had been a tremendous burden dealing with the noise. He was hopeful the new owners could be a success and had concerns it was going to be a lounge a hoped the commission would monitor it closely to make sure they met their responsibility to be a good neighbor.

Chair Shlain stated the commission would rely on him and the neighbors to feed back to the commission if they were living up to their standards.

Commissioner Alan stated he moved to approve the permit attaching the Good Neighbor Policy and requested the applicant through staff update the applicant's application so they had the accurate information for the management team and the managing members of the LLC.

Commissioner Meko stated he would second the motion and ask the maker of the motion to request a revised security plan to be presented to staff.

Commissioner Joseph stated her friendly amendment to the motion to require lead training and guard card training.

Public comment closed.

Commissioner Alan moved to conditionally approve the permit attaching the Good Neighbor Policy and a revised security plan to staff and require the applicant to have Lead training and Guard Card training and Commissioner Joseph second the motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain Commissioner Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Lorin

Chair Shlain stated he would like to keep a stack of Good Neighbor Policy available at the hearings.

c. Hundahl, Victor, dba "The Mint," 1942 Market Street, Place of Entertainment.

Jocelyn Kane stated it was one of the first venues that came forward after approving the legislation that had been operating without a place of entertainment in the upper Market and Castro. She added staff recommended approval.

Victor Hundahl stated he operated the Mont for the past eighteen years since 1994 as a Karaoke bar previous to that it was a piano bar. He added they wanted to increase themselves to a higher standard and met all the requirements of the Entertainment Commission. He added staff had been very helpful with going through the process.

Commissioner Joseph stated Officer Meyers said that Mint had operated as a Karaoke bar for thirteen yeas and because of the nature of Karaoke operation i.e. no entertainers, no place of entertainment was required. She added the definition of a place of entertainment was revised during the making of Scharod's Law and it was in the Police Code 1060. She added Officer Meyers was incorrect and entertainment had been revised to include anything and everything. She added staff should forward Officer Meyers the definition of entertainment.

Jocelyn Kane stated the applicant's opportunity arose to get permitted within a window without going through conditional use authorizations so, if and when they every decided to hire a DJ or have some other kind of paid entertainment it would be in their best interest to apply for a place of entertainment now.

Commissioner Meko stated the nature of Officer Meyer's comments border on offensive and appeared to read as a reprimand to the assistant director of the Commission and would ask the representatives of the Police Department to please convey to Officer Meyer's she owed a apology to Deputy Director Kane.

Commissioner Alan complemented the applicant in bringing the application forward and being the very first to arrive in front of the Commission under the new legislation. He added it marked a new day for the north of market area to become permitted.

Public Comment

Captain O'Neil stated his understanding was a place of entertainment was required for Karaoke and had been except in situations were by no employees managed or turned on or operated the equipment whatsoever.

Public comment closed.

Commissioner Alan moved to approve
without the restriction of hours and
attaching the Good Neighbor Policy
Commissioner Leong second the
motion.
VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan, Commissioner Shlain, Commissioner Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Lorin

d. King, Pete, dba Prideworks/Hairrison Fair," Best Western Hotel, 364 9th Street, Friday August 19, 7:00PM - 1:30AM, Loudspeaker Permit.
Bob Davis stated it was the second year of the Hairrison Street Fair, which included a one-day street closure for a street fair Sunday August 21, and a 3-day event on the property of the Best Western Hotel at 364 9th Street. The permit being considered is for the amplification of sound on the Hotel property beginning at 6PM on Friday, August 19, 2005 and continuing to 1:30AM. Other Loudspeaker permit application and Itinerant show applications have been submitted for the balance of the events within the administrative authority of staff. He added last year, when the applicant came before the commission staff did not recommend going beyond 10:00 P.M. and left it up to the discretion of the Commission. He added the Commission only allowed them applicant to go until 12:00 A.M. He added there were no complaints that staff had on file and again it was at the discretion of the Commission to allow the applicant to go to 12:00 A.M. or 1:30 A.M. He added staff was reluctant to make a recommendation to 1:30 A.M.

Chair Shlain asked could staff refresh his memory on why the Commission enabled the event to go until 12:00 A.M.

Commissioner Meko stated last year the idea behind having the event in the parking lot that particular night was that the summer Olympics were going and the idea was to have some tents in the parking lot so the people could view the Olympic events on

the television and during intermission the sponsor of the event promised they would only play soft jazz combo music over the speaker system. He added this year he was waiting to see what event would occur in the parking lot until 1:30 A.M.

Peter King stated he was the president of the board for Prideworks a nonprofit organization that produced the Hairrison Street Fair. He added the Hairrison Street fair was a celebration of the bear community
and they had thirty events scheduled throughout the town at different clubs, bars and venues for the gay historical society He added they had two parking lots that they had at the motel were they put tents and bring in a bunch of trees. He added their theme would be an Alcatraz theme party. He added the idea in the tent this year they would have a DJ playing 30's theme music while the movies were being showed. He added last year the party went until 1:30 A.M., which was approved by the police department. He added they cut the music at 1:00 A.M. He added their idea was the sound was the ambience of the party but the party was built around the costumes and the people that attend.

Commissioner Meko stated he was always sympathetic to these types of events. He added it was an unusual request that they wanted to have a loud speaker permit until 1:30 A.M. He added the parking lot fronts on Sheraton alley, which was a residential enclave.

Pete King stated he wanted to make clear to the Commissioner that it was not the street fair going until 1:00 A.M. in the morning a special theme party on Friday night and not Sunday.

Commissioner Meko stated there was an issue last year with the letter that was distributed to the neighbors last year and it made no mention that there was a hearing on the issue. He added the neighbor's implication was that it was a done deal and it was all approved. He added was the applicant aware of that.

Mr. King stated he was aware of it and they drafted another letter that mentioned tonight's hearing and gave flyers to all the residents in the area.

Commissioner Meko stated as of yesterday afternoon a few neighbors he spoke to had not seen any flyers or letter and asked if he distributed the letter. He added did they have any letters of support from people that lived on Sheraton alley.

Mr. King stated he did not distribute the letter one of his staff person distributed the letter. He added they went throughout the Hairrison area to alert all the businesses in the area about the fair. He added they did not knock on doors because he did not think that was appropriate. He added they did not do it for residents.

Commissioner Meko stated the parking lot was what concerned him. He added last year in the conditions one of the things the Commission added to their permit was the section of the parking lot closest to Sheraton was barricaded off and they were not to use it because they were 35 feet away from residents in the alley. He added were they planning on having speakers in the parking lot.

Pete King stated they had a tent in the parking lot section and there would be no amplified sound in the corridor at all. He added they would have speakers inside the tent.

Commissioner Meko stated last year's conditions were amplification only until 12 midnight, a barricade on Sheraton Alley, no audible beyond the property line on Sheraton alley after 10:00 P.M., provision of a cell phone number to everyone on the

alley that would be answered at all times to someone in authority and the driveway to barricaded off and not used for the event.

Pete King stated they did not have permission for a street closure on Sheraton and were prepared to put barricades out that would prevent traffic and they did not have the authority to stop people from walking back there. He added he and the police walked around the event on the hour of every hour and the only sound they could here was sound coming from the Lone Star. He added they were sensitive to the residents that lived on Sheraton their sound was geared towards Harrison and 9th, which was completely commercial. He added he would like to work the barricades so that people can use the toilets.

Public Comment

Richard Dupler stated he was a resident of San Francisco. He added he was the person who was responsible for distributing the flyers to the Sheraton street resident in the He added they went into the gates and doors and two hours later they were gone.

Commissioner Meko stated he got responses from a couple of neighbors in the area and they said they did not receive any flyers.

Commissioner Joseph moved to approve.

Commissioner Meko second the motion with the friendly amendment a requirement that there be no audible sound beyond the property line on Sheraton alley after 10:00 P.M. provision of a cell phone number of all residents of the alley that will be answered by someone of authority who could take steps immediately to respond to complaints. He added to repeat last year's motion to maintain a buffer zone with a barricade so no one could go into the space and they would not disturb residents in the alley. He added for them to find another location for their porta potties. Commissioner Pred stated he would vote no on the motion because there were no problems last year. He added the applicant conducted an event that developed with no law enforcement calls and no complaints from the general public he saw no reason to not allow them a little more latitude with their event. He added matter there could be a compromise for a later time.

Commissioner Meko stated the commission was never notified by Southeren station of any problems. He added the staff report stated they did not hear anything and could not take the leap to say that there were no problems. He added he was in support of the event but wanted to fashion it to be respectful of the residents.

Commissioner Leong asked Commissioner Meko to expand on the issues and problems that he heard about form last year.

Commissioner Meko stated it was noise complaints and people urinating in the alley.

Chair Shlain stated if there were any issue the event have Southern station report it to the Commission.

Public comment closed.

Commissioner Joseph moved to approve
and Commissioner Meko second the
motion with the friendly
amendments of no audible sound beyond

the property line on Sheraton alley after
10:00 P.M. provision of a cell phone
number of all residents of the alley that
will be answered by someone of authority.
VOTE:
AYES - Commissioner Meko, Commissioner Shlain Commissioner Joseph and Commissioner Leong
NOES - Commissioner Alan and Commissioner Pred
ABSENT - Commissioner Lorin

1. Report from Executive Director on the following: The status of Kelly's Mission Rock, and the Bay View District clubs.

Bob Davis stated the status of Kelly's Mission Rock was the stay was issued and the conditions were agreed upon. He added they had an event on Saturday and Sunday and there were no problems. He added the He and Jocelyn Kane and Audrey Joseph meet with the club owners and security people of the Bay View at the Bayview station and ABC and the City Attorney and they made some suggestion on how they could improve security and communications.

Commissioner Comments
and Questions

Commissioner Pred stated in response to the president's report regarding the Executive Committee. He added his commitment to the Executive Committee was very high and it was unfortunate that the changing of the guard happened at a time when he was spending so much time out of state. He added he looked forward in coming back in rolling up his sleeve when he returned.

Chair Shlain commended Commissioner Pred on his statement to the public. He added it was a very articulate and well-done statement, which he thought defused the issue, appeased the people who had concerns.

Public Comment
No Public Comment.
Commissioner Joseph moved to approve
Commissioner Leong seconded
the motion.
VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain Commissioner Joseph Commissioner Lorin and Commissioner Leong
NOES - None

Report from the Executive Committee. (Jim Meko Interim Chair)

Commissioner Meko stated the first attempt to have a meeting for the Executive committee Commissioner Pred was unable to attend and the second attempt to have a meeting Commissioner Joseph sent a email she was unable to attend so they were both cancelled.

Chair Shlain stated a meeting should be scheduled. He added and in the future the Executive Committee could meet only once a month.

9. Discussion of agenda items for future
Entertainment Commission Meetings.

Commissioner Pred stated to inform him by email when the next Executive Committee will meet.

The Executive Committee did not meet; there was nothing to report.

10. Adjournment. 7:00 P.M.

Respectfully Submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, September 20, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of August 2, 2005 and August 16, 2005. **[Action Item]**

2. President's Report: On Don't Stop the Music, Katrina Benefit.

3. Presentation on Community Boards from Donna Salazar.

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Glikshtern, Peter, dba Mighty, 550 15th Street, Sunday Sept. 25, 2005, 9PM-5PM, Loudspeaker.**

b) **Morkemo, Arne dba ICER Productions, ICER Air 2005, Thursday, September 29, 2005, 12:00 Noon – 4PM, Loud Speaker permit.**

c) **Gris, Sid, dba Opel Productions @ La Terra, 511 Harrison. St., Saturday Sept 24, 2005, 10PM – 3AM.**

d) **Worden, Clint, dba Lucid, 580 Sutter St., Place of Entertainment.**

e) **Carracci, Tony, dba The Pound, Pier 96, Place of Entertainment/Amendment.**

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

f) **Hutachinda, Pornchai, dba Crave, 2367 Market Street, Place of Entertainment.**

g) **Costello, Thomas, dba Costello's Four Deuces, 2319 Taraval, Place of Entertainment.**

h) **Torresi, Marco, dba Last Day Saloon, 406 Clement, Place of Entertainment, Billiard Parlor & Mech. Amusement Device.**

5. Discussion regarding permit holder dba 12 Galaxies, 2565 Mission Street, and Mr. Scott Dudley regarding noise levels. **[Discussion]**

6. Request a resolution for "Harmony for Humanity" a upcoming event calling on all musicians and club/venue owners to dedicate some upcoming events and performances to "Harmony for Humanity" by signing up to their website.

7. Report from Executive Director on the following: The status of Kelly's Mission Rock, the Bay View District clubs, Hollywood Billiards and status of Sound Tech. **[Discussion]**

8. Commissioner Comments and Questions.

9. Report from the Legislative Committee. Terrance Alan, (Interim Chair) on the following: Provisional Permits, Extended Hours Premise, Special Dance Permit, Street Entertainment Permit and Selection of Chair for the Legislative Committee.

10. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

11. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room **406** is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other

attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

September 20, 2005

MINUTES OF THE
September 20, 2005 REGULAR MEETING
City Hall, Room 406
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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COMMISSIONERS
Present

Jordan Shlain, Chair
Audrey Joseph
Terrance Alan
Jim Meko
Bruce Lorin
Bowman Leong

STAFF
Present
Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 5:05 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Bruce Lorin, Terrance Alan, Jim Meko and, Bowman Leong, Jordan Shlain, and Audrey Joseph.

Absent at the time of roll call were: Joseph Pred.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT

Barry Taranto, resides in San Francisco. He stated this weekend was the Love Parade activities and the pre party and post parties and during parties that provided space for taxis were going to have better cab service. He added t was going to be a mess because a lot of people were going to take taxi's because there would be a lot of traffic this weekend and it would not be easy to get around. He added urged the Commission to provide space for taxi pick up and drop off to get better service. He added Club 181 had illegal parking and bad security. He added how their permit could be revoked or suspended. He added there was a private corporate event by Cisco System and they Club NV security gave him a hard time and needed to be educated on taxi drop off and pick up.

Captain O'Neill, SFPD Port Services Division. He added Hollywood Billiard had two incidents on Sunday, September 4, 2005 at 11:30 P.M. were a 17-year-old white male was accosted on the way out of the club by two males and it resulted in a fractured jaw that required surgery. He added later in the evening a fight developed inside of the club and it spilled out onto the sidewalk and onto the street. He added the security tried to intervened and tried to stop it without any success and it was reported to the police by security that they heard a gunshot and people fled in all directions. He added no one was struck by the gun. He added the police were not able to make any arrest with the incidents.

Bob Davis stated staff was working with the Police Department. He added Captain Brown sent a request that staff begin the procedures to suspend or revoke their permit. He added the case had been turned over to Code Enforcement of the City Attorney's and were working with City attorney Nelly Palmer.

Public Comment closed.

1. Review and approve minutes of the Regular Entertainment Commission meeting of August 2, 2005, and August 16, 2005

Public comment
No public comment.

Commissioner moved to approve
the Minutes of August 2, 2005
Commissioner Leong seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin Commissioner Shlain and Commissioner Joseph
NOES - None
ABSTAIN - ABSENT - Commissioner Pred
Public comment
No public comment.

Commissioner Leong moved to approve
the Minutes of August 16, 2005
Commissioner Alan seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Meko, Commissioner Shlain and Commissioner Joseph
NOES - None
ABSENT - Commissioner Pred

ABSTAIN - Commissioner Lorin

2. Presidents Report

Chair Shlain stated he wanted to fly out to New Orleans and lend his skills to whatever place that would take him and was told that there was no place that would take him and was told it was too dangerous and was unable to go help. He added he put on his President of the Entertainment Commission hat on and thought what could they do culturally for the musicians of New Orleans and thought the musicians of San Francisco could welcome them here and give them a them a place to play. He added they contacted some venues, hotels and restaurants and within one week there were about thirty people on board to create the "Don't Stop the Music Foundation." He added it was a great cultural effort. He added for more information you can go to Don't Stop the Music Org.

2. Presentation on Community Boards Mediation from Donna Salazar

Donna Salazar stated she was attorney that worked with community boards. She added they were a non-profit agency that provided free mediation services in San Francisco that handled all kinds of disputes. She added the police was her biggest referral source and they also worked with many city agencies. She added about 90% of their cases are resolved. She added they did not charge for their services but accepted donations and there were 300 trained volunteers. She added they did a lot of noise complaints.

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

Public comment
No public comment.

a) Glikshtern, Peter, dba Mighty, 550 15th Street, Sunday Sept. 25, 2005, 9AM- 5PM, Loudspeaker.

Bob Davis stated the applicant was applying for a loudspeaker permit for a loudspeaker permit. He added he was applying for a street closure and would be heard on September 22, 2005. He added the applicant produced an outdoor event on July 31, 2005 with all of the proper permits. He added the event resulted in numerous noise complaints that were sent to the SFPD, the Mayors office and the Entertainment Commission office. He added when staff contacted the SFPD their recommendation was disapproval and staff received a letter from Sophie Maxwell requesting that the permit be denied. He added staff was not taking a position on the application because when it was approved before there were problems.

Mr. Glirkshtern stated they were looking to do a spill over event rather than a concert on Sunday morning and afternoon. He added esitamated 1,000 people. He added July 31st event was an independently produced underground Hip Hop event and was not promoted on radio or clear channel advertising. He added there were no incidents of violence or property damage at the event. He added the event resulted in several noise complaints. He added they were looking to addressing the noise complaint issue with the upcoming event by pointing the speakers in the opposite direction they were pointing before. He added the great number of the noise complaint s had to do with the content the performers were using. He added the amplification levels would be less than one-quarter of what they used last time and there would be no live acts just D Jays He added the event would be held for people that were unable to come into the club.

Commissioner Joseph asked size speakers and amplifier they would use.

Mr. Glikshtern stated they would have four 15's and four 12's and mid's and highs. He added the amplifications were fewer than 10,000.

Commissioner Meko asked Bob Davis if the Good Neighbor Policy was given out with loudspeaker permits.

Bob Davis stated the Good Neighbor Policy was given to applicants when they applied for loudspeaker permits.

Commissioner Meko asked if Mr. Glirkshtern was present at the event and had he distributed a cell phone number for people to call if they had any complaints. He added was he aware from the complaints from the neighbors during the event. Mr. Glikshtern stated it was not done at the time because he had no one to get in touch with. He added wasn't until late in the afternoon that he was notified by police that there were complaints and at that point they were wrapping up the event. Bob Davis stated the complaints that staff received were from up the hill from the sound travel. He added there were no complaints from the immediate neighbors.

Commissioner Meko asked Mr. Glikshtern did the police inform him while the violation was occurring at the event or after.

Mr. Glikshtern stated he was contacted late toward the afternoon.

Commissioner Lorin stated the complaints came in at 3:49 P.M.

Commissioner Leong asked how he planned to mediate the noise complaints at the next event.

Mr. Glikshtern stated the sound system would be smaller and the speakers would be faced toward a direction were there were no residents and away from Potrero Hill. He added he asked for contact information from the complaints so he could hear out the resident's complaints and addressed the issue. He added in the follow-up meeting at Mission station he asked to see the complaint report. He added they were unable to get contact information about the complaints when he requested it at the last event.

Commissioner Lorin stated was the applicant aware that the July 31, 2005 event the complaints were not all about volume but about the content. He added when was he first notified about the complaints.

Mr. Glikshtern stated he was aware and a good portion of the complaints were about the language being used. He added he turned down the volume. He added it would not be an issue at the upcoming event.

Commissioner Lorin asked when was he first contact about the complaints and who first brought it to his attention hat there were complaints. He added what action did he take.

Mr. Glikshtern stated it was late in the afternoon by Sgt. Solomon. He added they turned down some of the amplifiers but the noise complaints kept coming.

Commissioner Joseph stated the speakers that were used to amplify sound were directional and would fan out to a certain degree. She added the way they way they

pointed the speakers were very important.

Commissioner Lorin stated Commissioner Joseph was very knowledgeable, but the law specifically state sound should not be beyond 250 feet.

Captain Goldberg stated Mission recommended disapproval based on the noise complaints they received on July 31, 2005. He added they receieved approximately 20 complaints. He added the new event was on an earlier on Sunday morning and posed some concerns as well.

Commissioner Alan stated had he recollection of any successful block parties in the same area to draw comparisons.

Captain Goldberg stated it was the only event that was in the area. He added there was sound baffle issue and it was occurring in a new area and they were new complaints.

Commissioner Lorin stated the commission often dealt with these issue and there were no arrest made and it would be helpful as commission if someone violates the law that the proper action is taken so it could reinforced.

Captain Goldberg stated the problem with a large event for the police to take action and stop and event would it cause a riot if was shut down. He added the Sgt. made the decision in light of public safety for fear that it would cause a public safety issue. He added cab records were done. He added they could issue citations in the future.

Chair Shlain stated could a citation be issued for the commission to know there was action taken.

Commissioner Meko stated when the Commission was created they split responsibilities and did not take on all of them. He added the police remain the enforcement. He added were there 10B officers.

Captain Goldberg stated there were 10B officers.

Commissioner Meko asked if the officers knew that a sound permit did not allow them to violate the law.

Captain Goldberg stated the 10B officers were aware.

Martin MacIntyer stated for 8 years he heard they had a permit we can't do anything about it. He added Recreation and Park required a sound performance bond so that the police don't have to stop the event. He added they should raise the violation fee to $200,000.00.

John Wood with the San Francisco Late Night Coalition stated there were was a lot of problems with the noise ordinance and it was something that needed to go to the Legislative Committee of the Commission for study. He added there wasn't an event that did not generate one complaint and it was impossible to stop your sound at 250 feet and the police had a practical way of dealing with it by telling them to turn the sound down. He added it was a difficult thing to keep the sound down level down. He added it needed a lot of further discussion and the legislative committee was the place to do it.

Tony Kelly stated he was the president of the Potrero Hill Neighborhood Association.

He added he received several calls on July 31,2005 from numerous neighbors that complained about noise from the event. He added he lived 16 blocks from the event and heard I loud and clear. He added it was a gross violation on the stipulation on the Commission's loudspeaker permit and the Good Neighbor Policy. He added Mr. Glikshtern was told of the complaints during the event it did not do enough to turn it down. He added the applicant did not know to handle events or handle neighborhood complaints and was taking calculated risk and dealt with the consequences later. He added it was up to the commission to decide if the stipulations on the Commission's permit and Good Neighbor Policy are to be taken seriously or the duty of the Commission.

Public Comment closed.

Commissioner Lorin stated under the first amendment the commission could not deny the permit simply because the individual applying failed to obey the law on previous occasions. He added he did believe the Commission could deny the permit that the applicant's equipment was too elaborate were he could stay within the law and would vote against issuing the permit.

Commissioner Joseph stated when there was an over flow crowd event it became a public safety issue. She added when there was an overflow crowd at a venue and you had to keep them in line or on the street or try to send them away. She added she would be inclined to vote to approve the permit but condition it so that the sound system would be ambient to keep people on the outside distracted so they would not mule around and have the sound system faced away from the neighbors.

Bob Davis stated it was difficult to say, but could tell the applicant to use certain type of speakers but staff or the commission could suggest another type of speakers.

Commissioner Meko stated the Captain stated Mr. Glikshtern had a good record of not creating problems. He added he was conflicted as a Commissioner representing the neighborhoods and also as a Commissioner who believed it was San Francisco and not Petaluma. He added he lived a half a block away from the Folsom Street Fair. He added would his event would be successful event that began later.

Mr. Glikshtern stated he could move the event back to 10:00 P.M. He added they had been there for two years and had not had any complaints until the July 31, 2005 He added he did not ignore the complaints he went to the sound engineer and told him to turn it down. He added unfortunately it was turned back up while he was dealing with other issues. He added the action he took was not sufficient for the event it was his first try they had on an outside concert event and based on the two years on that street and based ten years in a really heavy residential neighborhood the calls he had at his venue you could count on one hand. He added one incident should not undo his track record.

Commissioner Meko stated there was some responsibility on the police to be more proactive if complaints were pouring in. He added the most important was real time response and the applicant should work harder on a system to respond to complaints.

Chair Shlain stated the chain of command should be responsible for the actions of their employees and they should be fired if they did not obey the order.

Commissioner Lorin stated if there was no entertainment for the people it was a possibility for the patrons to disburse. He added did he have a street closure.

Mr. Gliskshtern stated they would not have alcohol or food for the future event. He

added Mission Street stated things were changing with the last event and they looked at it his event as a moving target. He added he had his street closure permit hearing on Thursday.

Commissioner Joseph stated "Scharod's Law" and some of the other things the Commission worked with was past were brought about because there was always a party on the street and it was true with most nightclubs.

Commissioner Alan stated he was troubled by this and was present at the previous event during the early part of the day and left the event at 4:00 P.M. and was not made aware by any police officer that there were any complaints going on. He added he was troubled the way it happened as it did and did not believe in a one strike you're out rule. He added he believed the experience everyone had at the previous event had given an enormous amount of information to the Commission and the event producer as to how to proceed to have a outdoor event that was not problematic. He added denying the applicant the ability to do the second the event would be a failure of the Commission to do its duty and could not support denying the application based on the fact that the previous event went array. He added if a bank opened and the first time they got robbed they closed all the banks it would be an absurd conclusion. He added they needed to find a way to condition the permit so that it did not create the kinds of a public nuisance from the previous event. He added he was disturbed the applicant did not have a clear identification plan with his loudspeaker. He added the Commission recommendation would condition the permit so that it was not audible within the 250 feet boundary of the audience and how the sound system could be limited possibly with a limiter and a sound engineering that would allow the event to go forward.

Commissioner Lorin stated the applicant's speaker system were way too big for the street. He added he could not accommodate or police the patrons. He added that he did not believe in punishing someone on his or her past performance on a loudspeaker permit because the Supreme Court states you could not.

Commissioner Lorin stated the applicant's speaker system were way too big for the street. He added he could not accommodate or police the patrons. He added that he did not believe in punishing someone on his or her past performance on a loudspeaker permit because the Supreme Court states you could not.

Commissioner Alan moved to approve with condition of containment of the sound within the 250 feet barrier and with the issuance of a ISCOTT Street Closure permit Commissioner Meko seconded the Motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Joseph
NOES - Commissioner Lorin, Commissioner Leong and Commissioner Shlain
ABSENT - Commissioner Pred

Motion failed.

Public comment
No public comment.

b) Morkemo, Arne dba ICER Productions, ICER Air 2005, Thursday, September 29, 2005, 12:00 Noon - 4PM, Loud Speaker permit.

Chair Shlain stated that he was aware of the issue that has bubbled up a lot different complaints and mediations surrounding the loudspeaker and reminded everyone the commission was present to discuss the loudspeaker permit.

Bob Davis stated the applicants were producing an event that will feature a ski jump and some amplification of voice and music. He added the event it was originally scheduled for late August but was pushed back from concerns by neighbors. He added there were concerns by the neighbors that would disturb the school and the temple that were on the block. He added they were 450-Watt speakers that will be placed on the corner of Fillmore and Vallejo. He added in going to some of the meetings that were held by the community the concerns that were raised most by the neighbors was noise that would disturb the temple on the corner and the school down the block. He added as appoint of clarification under Sec. 47.2 sound permits shall not be issued within 450 feet of Hospitals, Schools, Churches, Court Houses, Public Libraries or Mortuaries. He added it was at the discretion of the Commission.

Arni Morkemo stated the layout was on 2295 Vallejo Street. He added they had made every effort to make sure they pointing the sound away from the corner.
He added it was simple self-powered PA system with 450 watts and they had a sound technician on site to adjust the volume. He added the event would start at 10:00 A.M. and there would be no amplified sound until 11:00 A.M. were they would announce the jumpers and in between jumpers they would play some contemporary music and the event would concluded at 4:00 P.M. with no more amplified sound.

Virginia Crisp, attorney resides in Oakland. She added her firm represented a number of the residents present at the meeting. She added there were three schools in the area and a temple and having the event on a school day was entirely inappropriate coupled with elderly residents and did not see how they could they could comply with the noise regulations. She added there were expecting 10,000 people at the event and how didn't see how they would control the 250 feet and it was inappropriate for the neighborhood.

Connie McCole stated she lived within a half of block were the speakers would be set up and she worked at home. She added her neighbors across the street had three children under the age of four. She added there were a number of elderly residents on their block. She added they were being held against their will and made to listen to the noise and there nowhere to hide. She added they were proposing to put speakers 20 feet of the temple 450 watts each. She added the Pacific Heights Residents Association sent a letter in opposing the issuance of the loudspeaker permit.

Dr. MacIntyre stated the Commission could do exceptions according to 47.27 according to the City Attorney. He added it use to be the chief of police not the Entertainment Commission and as far as he knew the Chief never made an exceptions. He added 29.3 stated it shall be unlawful for any person to create any unnecessary or excessive offensive noise on any street or sidewalk or public place adjacent to any school, institution of learning or church while any of the same were in use. He added the residents and people inside the temple would be disturbed and the event would violate the law.

John Wood stated there was lot of quiet neighborhoods in San Francisco and many of the neighborhoods had an event or two a year where there subjected to noise such as part of living in the City. He added it was event that would be filmed by MTV and it would get great publicity to the City. He added there was a lot of support for the event and other neighbors bear their burdens occasionally. He added the loudspeaker was for four hours in the middle of the afternoon.
He asked the Commission to approve the permit.

Mark Renne stated living in San Francisco was a balancing act and if 2-25 people could constantly object to something and cut everything out then San Francisco would never have any live events outside. He added there have been some amazing concerts in Golden Gate Park. He added there were concerts at Pac Bell Park that people complain about and he really wondered what was happening to our city. He added they had to look at the balancing act and it was covered under the first amendment freedom of expression. He added they had a right to have their event and it would help San Francisco. He added San Francisco's largest industry tourism was having a hard time right now. He added San Francisco was getting older and older and complaining about a lot of stuff. He added he was ashamed of what San Francisco did to the applicant. He added they wanted to do the event on a weekend but were forced to do the event on a weekend by residents and the city.

Warner Hirsch from the Vendanta Society where the event was 20 feet away from the location of the loud speaker. He added the sound had to reach a full block up to Broadway and a full block down to Green Street. He added they were not opposing to the ski jump but were oppose to the location because it was inappropriate. He added it was not a one-time event since it was ICER Air 2005.

Chair Shlain stated he lived in a neighborhood where sometimes it got noisy and he had to buy into the program of living in a big city. He added one neighbor is not better than one or another.

George Pfau stated he lived 20 yard were the speakers would be set up. He added they had elderly tenants in the building. He added they would be disturbed by the noise. He added the Commission should be prepared there would be a lot of complaints.

Mr. Kapadia stated he was an active board member of the Vendanta Society. He added this event would create a huge amount of noise coming out the event and would cause a disturbance for people coming to pray at the Church. He added the permit should be denied based on the noise level and the inconvenience it would cause.

Michael Carboy stated Presidio Heights neighborhood was the one of the other two neighborhoods directly adjacent to Pacific Heights. He added the neighborhood association had their meeting last Monday night and there was a unanimous vote and resolution to support the Pacific Heights and Cow Hollow Residents Association in their opposition of the sound permit of the ICER Air event. He added they were also opposing the event for the disturbance it would bring to the school in the area and were mortified that they had to come to the city and point out to them that they were putting the children's education in jeopardy while allowing the event for to go on and it was inappropriate for the neighborhood.

Bill Lowenberg stated he was the president of 2288 Broadway the Northeast corner of Broadway and Fillmore. He added he was in opposition of the event because it was a residential neighborhood. He added he resides in a building with elderly people lived and would be locked into the building and they would be unable to get into their garages and homes.

Linda Wine stated she was a nun of the Vendanta Society Convent. She added she would like to base her comments about the rules and regulations. She added the rules and regulations stated there should not be any noise or loud music within 450 feet of Churches, Schools, Hospitals or government buildings. She added there temple was on the corner of Vallejo and Fillmore and their Shrine meditation hall was in the northeast corner of the building a wall away from the ski jump. She added the temple was open daily for meditation and prayer for all people from 8:00 A.M. in the

morning until 7:30 P.M. in the evening. She added it was against the rules and regulations to hold the event and it was a violation of their rights as a Church.

Bob Davis stated in talking to the City attorney it was in the discretion of the Commission to issue the loudspeaker permit

Dorothy Murdock stated she was one of the nuns of the Vendanta Society. She added she would like to speak as a San Franciscan of 77 years. She added it was an insult to be designated as an old person and therefore not worthy of an opinion. She added it was an insult to San Francisco to think ICER Air could put San Francisco on the map she added the city had been on the map for 150 years. She added they have had entertainment of a very high quality in a fine setting. She added it was not a good setting to fit 10,000 people on the small area. She added she did not against skiing or ICER Air except to be insulted by them. She added the event would disturb the residents and the schools in the neighborhood.

Chair Shlain stated it did not matter how old people were the commission took everyone of every age seriously.

Trevor Hubbert stated he had full confidence with the outreach the event planners had been doing since their event was postponed that they had every aspects of the neighbors concerns in mind. He added it was his strong confidence they would control the sound they day of the event.

Mr. Klebban stated the event was about creating ski history. He added the articles around the world were not about permits it was about ski history coming to town. He added it was a non-alcohol event and he did not think the kids would not complain about the event.

Public comment closed.

Commissioner Joseph asked when his event was cancelled from a Saturday why didn't he schedule it on the weekend.

Mr. Arne Morkemo stated they were under time frame issue. He added the city suggested they do the event on a Thursday rather than a Saturday to minimize the crowd. He added they estimated that 2,500 people would be there at a time of the event.

Commissioner Joseph stated why they choose the location to have their event.

Mr. Morkemo stated there were many steep hills but many of them had Muni lines and electrical cables and would obstruct the jump. He stated there could be.

Commissioner Joseph stated some of the residents were concerned about the sound system and the system was going to be larger.

Mr. Morkemo stated it was not their intention to speak and address the entire public. He added they estimated there would be 2,500 people at the event at any given time. He added it was for the filming and the media.

Commissioner Joseph asked why he chose to locate the speakers 20 feet from the door of the Vendanta Society.

Mr. Morkemo stated the speakers were designed to send the sound in the opposite

direction. He added they have pointed them down the street and would not travel backwards. He added it was the most practical location based on where they were going to have filming crew and reporters. He added there was some flexible to move the speakers if there were any noise problems they day of the event.

Commissioner Meko stated no one neighborhood in the city was inheritably better than another one. He added Jesus Christ they were talking about a temple, a shrine a place of mediation and schools on a weekday. He added it did not seem to be well thought out and didn't understand why it was not moved to De Haro. He added he would have to vote no based on the location of the speakers.

Commissioner Lorin stated wrong place wrong time.

Commissioner Alan stated what was the right place and the right time, he added it would never be the right place and the right time to do anything. He added there would always be someone who would find it to be the wrong place and the wrong time because it did not concede with their time. He added that he did not believe position anything in the city of San Francisco anymore that would not engender at least a half a dozen people that would tell you the same thing. He added he had sat on the Commission for over two years and have heard it with every applicant that had come forward. He added it was a discretionary question as to whether or not the Commission was going to override the existing code and allow for a loudspeaker permit to exist for a particular period of time and it was his conclusion that there was not place in San Francisco were a loud speaker was appropriate he would vote for it as long as the conditions in the loudspeaker permit were not audible within beyond 250 feet of the audience and the applicant be given the Good Neighbor Policy and respond appropriately.

Commissioner Lorin stated there were a right place and a right time. He added the X games were here in San Francisco and it was good.

Chair Shlain stated were the speakers set in stone as far as where they were going to be. He added could they use plasma screens in other areas.

Mr. stated the location was flexible if it proved to be a major problem. He added plasma screens would complicate the communication on site.

Commissioner Joseph stated it was a great event and the city needed great events. She added in spite of what the residents thought we paid for our police, fire and street cleaning and everything else by the hotel taxes and other taxes that came into town throw tourist. She added the entertainment industry was hurting dramatically that came into town. She added their choice to put the speakers close to the temple was a bad decision and thought they should be moved. She added they needed to accommodate the residents in some way.

Glenn Griffin stated he was resident of Pacific Heights assisting with event. He added the speakers were placed in the position because the majority of the crowd was going to be down Vallejo Street and the wiring. He added they were open for suggestion for the location of the speakers.

Commissioner Meko stated he did not think they could redesign the sound system for the event as they were sitting there tonight.

Commissioner Leong stated it did not matter where the speakers where placed there was still going to be noise from the speaker and spectators and would impact the schools and temple. He added he would vote no.

Public comment closed.

Commissioner Meko moved to
deny the permit application
Commissioner Leong seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commissioner Lorin Commissioner Leong
NOES - Commission Alan, Commissioner Joseph, Commissioner Shlain
Commissioner Alan moved to
approve the permit application with
conditions the sound system be
crafted to comply with the noise
ordinance and applying the Good Neighbor Policy Commissioner
Joseph seconded the Motion.
VOTE:
AYES - Commission Alan, Commissioner Joseph, Commissioner Shlain
NOES - Commissioner Meko, Commissioner Lorin Commissioner Leong
ABSTAIN - ABSENT - Commissioner Pred

Motion denied.

Chair Shlain entertained a motion to have
another discussion on the location of the
speakers with respect to the temple
Commissioner Joseph second the motion

VOTE:
AYES - Commission Alan, Commissioner Joseph, Commissioner Shlain
NOES - Commissioner Meko, Commissioner Lorin Commissioner Leong
ABSENT - Commissioner Pred

Motion failed.

Recess 7:27 P.M.

Reconvened at 7:35 P.M.

c) Gris, Sid, dba Opel Productions @ La Terra, 511 Harrison. St., Saturday Sept 24, 2005, 10PM - 3AM.

Bob Davis stated applicant applied for a Loudspeaker permit to have amplified sound outdoors for ambient show music for an event related to Love Parade. He added Southern station has indicated that there were noise complaints related to the near by venue at 525 Harrison the Sound Factory they are concerned that amplified music outdoors would draw more loud outdoor activity and noise than is already in the area. He added it was a challenge for staff because amplified sound would go until 3:00 A.M. and it was an area that was residential.

Mr. Sid Gris stated they were doing one of many Love Parade after parties at 511 Harrison and the event would go until 9:30 A.M. to 5:30 P.M. He added they wanted to have an out door chill area for patrons to sit and smoke outside that did not interfere with the main entrance of the venue. He added the sound was very minimal and the speakers would be set up 20 feet from the gate and they would put sound curtains on the gate and the sound would be minimal impact on the neighbors.

Commissioner Joseph asked had he chatted with the sound factory about extra people. She added would he have some one on the gate to keep the Sound Factory people out.

Mr. Gris stated they hired extra security and would be using wristbands for access into the venue.

Public comment closed.

Commissioner Joseph moved
to approve Commissioner Alan second the motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Shlain Commissioner Joseph Commissioner Leong
NOES - Commissioner Lorin

Public comment
No public comment.

d) Worden, Clint, dba Lucid, 580 Sutter St., Place of Entertainment.

Bob Davis stated the applicant had most of his approvals and was waiting for a sound test. He added there was a meeting with the neighbors who were very concerned about the sound coming into their units. He added staff recommended the applicant pass the sound test that included going into the neighbors homes making sure there was no vibration.

Clint Worden stated he added their venue was an art gallery and a bar. He added it opened the first of July and since then they have had fourteen complaints and the bar was sited on August 8, 2005 for having a DJ in space when they were not allowed. He added he apologized for the incident and it was a mistake he made in allowing them up until that point and had not educated himself on the application process for the entertainment permit. He added he had gone through several building permits and other applications. He added the issue was insuring the neighbors were not bothered by the music. He added he had taken steps to ensure no noise would go beyond the walls of the bar and the art gallery. He added since then they have not had any complaints.

Bob Davis stated he had been in communication with the resident and she was in and out of town. He added it was not a case of the resident not making herself available rather a matter to match up each other's schedules.

Bruce Jobson stated he resides in San Francisco and is the president of Alta Apartments Inc. that was located directly in back of Lucid Bar. He added the reason he was present because a number of the residents complained of booming sounds and vibrations in their units. He added they took their complaints to Supervisor Peskin were they set up a meeting with the Entertainment Commission staff and a sound technician. He added the commission should put him to the test since he had been previously sited and continue the item until am acoustical engineer could to certify the sound.

Commissioner Joseph stated if the commission approved the permit it would be conditional upon the applicant passing a sound test.

Commissioner Meko asked if he would be satisfied if the commission required the sound from the venue not be audible in any surrounding residents and the applicant

distribute a cell phone available to neighbors for complaints. He added they were included in the Good Neighbor Policy.

Mr. Jobson stated they would be satisfied with those conditions. He added they did not have any thing against music or clubs that hired musicians it was the sound issue.

Commissioner Lorin stated for years the San Francisco Police Department had supplied the sound abatement police officer and he was recently promoted and transferred to a patrol station. He added the commission was in the process of getting a sound technician.

Lilly Stoyanovski a resident at 630 Mason and had been living there for over a year. She added starting in July 2005 since Lucid opened she has been disturbed by the base in her bedroom from the noise of the club. She added she did not want to deny Mr. Worden business but wanted a solution to the problem. She added there was a skylight in the venue where the sound came and suggested the Commission put conditions on the permit.

Robert Yeaman stated he lived at Bush and Jones. He added he frequent the bar and it came down to two issues the disturbance of the neighbors and action from the applicant. He added Mr. Worden had taken direct action in the issue by firing a DJ for turning up sound and put in limiters around the speakers and closed the skylight. He added he felt he would try to accommodate the neighbors.

Public comment closed.

Commissioner Meko stated he was sympathetic with both parties. He added it was incumbent of the applicant to be proactive and to live up to the requirements of city law. He added he hoped the applicant worked it out with the neighbors and make a living.

Commissioner Meko moved to
conditionally approve of the passing of
the noise abatement test Commissioner
Lorin seconded it based on
the sound test the Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin Commissioner Shlain and Commissioner Joseph
NOES - None
ABSENT - Commissioner Pred

Public comment
No public comment.

e) Carracci, Tony, dba The Pound, Pier 96, Place of Entertainment/Amendment.

Staff recommend item continue until October 18, 2005 meeting.

Public Comment

Mark Rennie stated he understood it was being continued however since it was a noticed hearing they would hear any public comment on the item and asked that it be continued on October 18, 2005.

Commissioner Alan moved to continue
item e Commissioner Leong seconded
the Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin Commissioner Shlain and Commissioner Joseph
NOES - None
ABSTAIN - ABSENT - Commissioner Pred

Public comment
No public comment.

f) Hutachinda, Pornchai, dba Crave, 2367 Market Street, Place of Entertainment.

Jocelyn Kane stated the application was received in early August it was a venue that was the other half of the Café in the Castro. She added the applicant was the same owner of the Café. She added Mission station approved attaching the Good Neighbor Policy.

Luis Caputo the manager of Crave. He stated Crave would be a tappets lounge and not a dance venue but they would have DJ's playing a variety of music and bartender would have main control to the house music. and food would be served until 2:00 A.M. He added that he public had access to his cell phone. He added they had security for the café.

Commissioner Meko stated the cell phone was a standard condition of the Good Neighbor Policy the commission put on the permit.

Public Comment
No public comment.

Commissioner Alan moved to
conditionally approve
Commissioner Leong seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Lorin Commissioner Shlain, Commissioner Joseph and Commissioner Leong
NOES - None
ABESENT - Commissioner Pred

g) Costello, Thomas, dba Costello's Four Deuces, 2319 Taraval, Place of Entertainment.

Jocelyn Kane stated the applicant had approval from city planning, fire and electrical inspection. She added the inspection report from SFPD Taraval Station recommended a denial or recommend with conditions. She added they wanted to make their concerns on paper but understood the Commission had the authority to approve the permit. She added staff recommends approval.

Thomas Costello stated he recently purchased the Four Deuces and was applying for a place of entertainment. He added he had musicians and friends and employees present in his support. He added he was raised on Irish music and his goals were to revive it would be respectful of the neighbors and adopt the Good Neighbor Policy.

Commissioner Joseph asked would he have security person on staff every time they

had entertainment.

Mr. Costello stated they had a security and they would be present during entertainment at his venue.

Commissioner Lorin stated the station made recommendations and the commission adhered to the Good Neighbor Policy. He added how often the applicant intended on having entertainment.

Mr. Costello stated he would have entertainment one night a week.
Commissioner Meko asked if the applicant had time to look at the conditions. He added the Good Neighbor policy would cover the conditions.

Mr. Costello stated he had looked over the conditions.

Chair Shlain stated the applicant should look over the Good Neighbor Policy given the history of the venue because there would be a lot of eyeballs watching him.

Mr. Costello stated that he would apply to the Good Neighbor Policy.

Public Comment
No public comment.

Commissioner Lorin moved to approve
with a promise of the owner that he and
his patrons will corporate with the
SFPD on all occasions
Commissioner Joseph seconded
the motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Shlain Commissioner Joseph
Commissioner Lorin and Commissioner Leong
NOES - None
ABSENT - Commissioner Pred

h) Torresi, Marco, dba Last Day Saloon, 406 Clement, Place of Entertainment, Billiard Parlor & Mech. Amusement Device.

Jocelyn Kane stated it was a transfer of ownership for a Place of Entertainment at the Last Day Saloon. She added the applicant was present to get new entertainment permits under his name. She added Richmond station did not send a recommendation.

Mr. Marco Torresi stated the Last Day Saloon had been around for thirty years. He added he planned on changing the name within the next couple of months and would be adding more entertainment and comedy.

Public Comment
No public comment.

Commissioner Lorin moved to approve
with the condition
Commissioner Meko seconded
the motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Shlain, Commissioner Joseph Commissioner Lorin and Commissioner Leong
NOES - None
ABSENT - Commissioner Pred

Discussion regarding permit holder dba 12 Galaxies, 2565 Mission Street, and Mr. Scott Dudley regarding noise levels. [

Jocelyn Kane stated the last time the parties were before the commission the two parties did meet and have came to some agreements.

Scott Dudley stated he and the applicants of 12 Galaxies did meet and went to mediation but could not speak on some issues surrounding the mediation because it was confidential. He added it was five months ago today that he first made contact with the commission to try and get the issues calendared on the agenda. He added he was concerned that he had been working with the club since January to get the sound issues resolved. He added the club had indicated in the past they would resolve the issues but it had not yet worked. He added he did not have assurances that anything would change. He added his request was to calendar the item on the agenda for a future meeting as a discussion and possible action item. He added his original request was for the venue to soundproof their current sound system. He added Officer Anzore did a sound test and stated the sound was higher than it should have been and suggested the number be set at a certain level.

Mr. Robert Levy stated the discussion should be tabled when as they enact upon the agreements made. He added during the next four weeks they would be undertaking a soundproofing project to resolve the situation. He added they would continue to address the issue until it was resolved.

Commissioner Joseph asked what had the applicant been doing to resolve the issue.

Mr. Levy stated that they were working on soundproofing their venue. He added it had taken time to get the money together to get the soundproofing equipment and hire sound consultants.

Commissioner Joseph stated that 9 ½
months were a fair amount of time to soundproof himself. She added that Mr. Dudley had some basis because he has been dealing with the issues for 9 months and was paying rent on an apartment he was not enjoying because the applicants venue caused noise issues. She added the applicant needed to complete the issue.

Commissioner Meko stated the applicant saw the issue as part of a drama and the act of making a promise seemed to be more important than following through. He added the applicant should not keep promising and take action. He added if the applicant did not follow through the Commission would be force to take away his permit.

Chair Shlain stated the commission would attempt to get it on the calendar.

Monica Blaylock stated she also lived at 662 Capp Street and her bedroom faced the bar and it had a problem for a while. She added she had two small children and was disturbed by the noise. She added their building was built in 2000 and felt the disturbance came from the building not being properly soundproofed and wished they could turn the volume down.

Mr. Dudley stated if the Commission decided to take action he would be happy to give

the club some reasonable amount of time to continue their soundproofing work.

Request that the Commission issue a resolution supporting the "Harmony for Humanity" which calls on all musicians and club/venue owners to dedicate some upcoming events and performances to "Harmony for Humanity" by signing up to their website.

Chair Shlain stated it would go on the next agenda as an action item.

Report from Executive Director on the following: The status of Kelly's Mission Rock, the Bay View District clubs, Hollywood Billiards and status of Sound Tech.

Jocelyn Kane stated the status of Kelly's Mission Rock has been quiet and staff had not been informed of any complaints. She added Hollywood Billiards has action being taken against them by code enforcement. She added the sound technician would be posted for this Friday for 15 calendar days and the applications would go to Administrative Services department to review applicant's minimum qualifications.

Commissioners Comments
& Questions

Commissioner Alan stated he had received several emails of complaints from the neighbor's about events that have gone on at Kelly's Mission Rock and had made note of them. He added he wanted to report it as an amendment to Executive Directors Report. He added he was disappointed with the commission tonight but it was the roll of the dice.

Commissioner Meko stated the Folsom Street Fair was this Sunday. He added Commissioner Joseph would be honored at the fair this year for her contribution and service to the Fair. He added there were some concerns about events in North Beach, 6th Street Corridor and 11th street. He added there was a new crowd coming into the area and the danger to the club owners. He added the commission had to take into account the cumulative impact you got when had a concentration on late night entertainment venues. He added for the promoting entertainment into the city and the flip side was what could go wrong when you packed too many venues into the same area would establish liability for the city. He asked the Executive Committee should add to the agenda to discuss the issue of concentration the good and the bad.

Commissioner Joseph stated the vibrancy and financial health of the city depended a lot on its special events. She added it concerned her it was an imbalance of were the neighbors were going and was concerned that special events were going to go away. She added events were not happening enough. He added they should encourage people and not discourage them.

Commissioner Alan stated there were five large civic events in San Francisco every year and the city hadn't had a new large city event in San Francisco almost 18 years. He added the bay to breakers was one of the declining events in San Francisco. He added he was proud to out together what he expected to be in the next couple of years one of the top five civic events called Love Parade that would take place this Saturday. He added the world largest Dj's will be playing at the event. He added they expected 50,000 people to attend the event. He added the love parade grew out of the Fall of the Berlin Wall and striving for freedom.

Report from the Legislative Committee.
(Interim Chair Terrance Alan)

Commissioner Alan stated the Legislative committee meet and discussed the following items. Provisional Permits, Extended Hours Premise, Special Dance Permit, Street Entertainment Permit and Selection of Chair for the Legislative Committee.

Report from the Executive Committee.
(Interim Chair)

Nothing to report.

9. Discussion of agenda items for future Entertainment Commission Meetings.

Nothing to add to the agenda.

10. Adjournment. 9:03 P.M

Respectfully Submitted by Crystal Stewart.

City and County of San Francisco
Entertainment Commission

September 27, 2005

Notice and Agenda for Special Meeting

Tuesday, September 27, 2005 at 5:00 P.M.

Room 406, City Hall

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1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. [Action Item]

- Morkemo, Arne dba ICER Productions, ICER Air 2005, Thursday, September 29, 2005, 12:00 Noon - 4PM, Loud Speaker permit.

2. Request a resolution for "Harmony for Humanity" a upcoming event calling on all musicians and club/venue owners to dedicate some upcoming events and performances to "Harmony for Humanity" by signing up to their website. [Action Item].

3. Report from Executive Director on the following: Status of Sound Tech. [Discussion]

4. Commissioner Comments and Questions.

5. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

6. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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San Francisco, CA 94102-4689

Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

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"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

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October 04, 2005

Notice and Agenda for Meeting
Tuesday, October 4, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

1. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. [Action Item]

2. Review and approve minutes of September 20, 2005. [Action Item]

a) Levine, Michael, dba HOME on Union, 2032 Union St., Place of Entertainment.

b) Pagni, Antonio, dba Winslow Assoc./TNDC/Celebrity Pool Toss, 601 Eddy Street, October 11, 2005, 6PM - 10PM, Loudspeaker Permit

c) Bronstein, Greg, dba Hush Hush, 496 14th Street, Place of Entertainment.

d) Bronstein, Greg, dba The Bar, 456 Castro Street, Place of Entertainment.

e) Murphy, Doug, & Gordon, Boe, dba Daddy's Bar, 440 Castro, Place of Entertainment, Bill. Parlor, Mech. Amusement Device.

f) Murphy, Doug, & Cappelletti, Joseph, dba Moby Dick, 4049 18th Street, Place of Entertainment, Bill. Parlor, Mech. Amusement Device.

g) Lopez, Belinda, dba JR's Bar, 3202 Mission St, Billiard Parlor.

h) Sanchez, John-Eric, dba Sip Bar and Lounge, 787 Broadway, Place of Entertainment.

i) Villalobos, Francisco, dba Spitfire Rose, 1790 Broadway, Billiard Parlor/Mechanical Amusement Device.

3. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

4. Report from Executive Director on the following: Nothing to report.

5. Commissioner Comments and Questions.

6. Report from the Legislative Committee. Nothing to report.

7. Report from Executive Committee. Nothing to report.

8. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. [Action Item]

9. Adjournment.

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City and County of San Francisco
Entertainment Commission

October 04, 2005

MINUTES OF THE
October 4, 2005
City Hall, Room 406
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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COMMISSIONERS
Present

Jordan Shlain, Chair
Audrey Joseph
Terrance Alan
Jim Meko
Bruce Lorin
Joseph Pred

STAFF
Present
Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

Bowman Leong

CALL TO ORDER

The Commission Chair called the meeting to order at 5:03 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Bruce Lorin, Jim Meko Joseph Pred and Audrey Joseph.

Absent at the time of roll call were: Bowman Leong, Terrance Alan and Jordan Shlain

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

Commissioner Leong arrived at 5:04 P.M.

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

Commissioner Alan arrived at 5:09 P.M.

a. Levine, Michael, dba HOME on Union, 2032 Union St., Place of Entertainment.

Jocelyn Kane stated the application was originally in front of the Commission in mid July 2005 and there was substantial community input after the item was posted and the Commission decided to continue the item so that the applicant could address some of the neighborhood concerns. She added the applicant was aware there were substantial conditional use conditions imposed on the previous owner at the location and the conditions would be imposed on the current applicant. She added everything had been received on the application except for sound abatement. She added staff recommended a conditional grant.

Commissioner Shlain arrived at 5:05 P.M.

Michael Levine stated he was one of the partners in Home Restaurant they had restaurant on Market and Church and Union Street was their second restaurant. He added previously the restaurant had a stage with a sound system built owner for 23 years conducted entertainment nightly. He added had addressed the neighbors concerns of noise complaints when they remolded and and removed the stage and the sound system. He added their conditional use permit allowed them to have occasional entertainment during the dining hours with one entertainer. He added they got feedback from three neighbors and addressed the issues and wrote letters to each neighbor. In addition he went to the Union Street Neighbor Association who endorsed the granting of the permit they asked for. He added they did not have a plan for regular entertainment and no interest in turning it into cabaret.

Public comment

Mary Larocka and owned the property next door for the last 75 years she added the previous owners started out with entertainment and the restaurant was not sound proofed and there were bedrooms located all around the restaurant. She added if the Commission gave the permit it would be opening up a can of worms. She added she was against the entertainment permit. She added she had seven nice tenants and they would not be able to sleep with the entertainment.

Public comment closed.

Chair Shlain stated that when the applicant applied for a place of entertainment permit it gave them permission to have entertainment. He added the Commission did not put restriction on Entertainment permit to one night a week. He added the Entertainment Commission had been created to address the concerns of the neighbors he added if they decided to grant the permit and there were repeated complaints from the neighbors the Commission did have recourse the Commission could take for the permit.

Commissioner Lorin moved to
conditionally grant the permit with the
passing of a sound test and adding the
Good Neighbor Policy and keeping
kitchen door remains closed during any
Entertainment Commissioner Meko
seconded the Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin
Commissioner Joseph Commissioner Shlain
NOES - Commissioner Pred

Pagni, Antonio, dba Winslow Assoc./TNDC/Celebrity Pool Toss, 601 Eddy Street, October 11, 2005, 6PM - 10PM, Loudspeaker Permit
Bob Davis stated the event for the annual pool toss and was on the agenda for outdoor amplified sound. He added they had not have any problems over the last two events. He added staff recommended approval.

Commissioner Meko stated applicant stated from 6:00 P.M. to 10:00 P.M. and the police recommendation was for 9:30 P.M. and wanted to know what the rationale was behind the time change.

Jocelyn Kane stated normally she heard from the permit officers if they had made some separate agreements. She added she had not had any specific knowledge whether his recommendation was based on the understanding of the applicant and if it would be fine with them or not.

Public Comment

Commissioner Lorin moved to approve
the loud speaker permit until 10:00 P.M.
Commissioner Alan seconded the Motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin
Commissioner Pred Commissioner Shlain Commissioner Joseph
NOES - None

a. Bronstein, Greg, dba Hush Hush, 496 14th Street, Place of Entertainment.

Jocelyn Kane stated Greg Bronstein had purchased the operations and there had been substantial complaints and they continue to be vocal about their concerns.

Greg Bronstein met with the neighbors and agreed with the conditions and would put a new sound system that would reduce 85% to 95% percent.
Commissioner Pred asked was there an additional number for information on his business plans.

Commissioner Meko stated there should be a phone number for a person who could be contacted at all times for complaints.

Public Comment
No Public Comment

Commissioner Meko stated there was a great deal of history planning commission had a great deal of expression whether or not the

Commissioner Alan stated that planning was restricting their time.

Commissioner Joseph was impressed with reconstructing the sound.

Commissioner Leong asked him to explain the security plan

Greg Bronstein stated they would be inside and outside the door. He added they would increase security based on attendance.

Commissioner Joseph moved to approve
Commissioner Alan seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin
Commissioner Pred Commissioner Shlain Commissioner Joseph
NOES - None

Bronstein, Greg, dba The Bar, 456 Castro
Street, Place of Entertainment.

Greg Bronstein stated they had been operating fro seven years. He added they have dealt with the neighbors on sound issues. He added that he had been in touch with the neighbors who reside above the Bar.

Commissioner Meko stated did they sign a waiver. He added he wanted the applicant to be aware that it was not legal. He added that he would have to abide under the Good Neighbor Policy.

Greg Bronstein stated he was not aware if they signed waiver. He added they did the best they could to contain the sound.

Commissioner Alan asked who was the LLC.

Greg Bronstein stated there was a change in ownership

Commissioner Alan moved to approve
Commissioner Leong seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin
Commissioner Pred Commissioner Shlain Commissioner Joseph
NOES - None

Murphy, Doug, & Gordon, Boe, dba Daddy's Bar, 440 Castro, Place of Entertainment, Bill. Parlor, Mech. Amusement Device.

Jocelyn Kane stated a long-standing bar in
Castro obtaining permits.

Commissioner Lorin stated how did the applicant come to apply for a Place of Entertainment.

Doug Murphy stated they were looking to have a Billiard Parlor permit.

Commissioner Alan asked him to explain the security plan.

Doug Murphy stated they would be using Jane Warner.

Commissioner Joseph stated what type of Training.

Commissioner Leong moved to approve
Commissioner Lorin seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin
Commissioner Pred Commissioner Shlain Commissioner Joseph
NOES - None

f. Murphy, Doug, &
Cappelletti, Joseph, dba Moby Dick, 4049 18th Street, Place of Entertainment, Bill. Parlor, Mech. Amusement Device.

Jocelyn Kane stated around the corner was the other venue that the applicants had been operating for 27 years.

Commissioner Lorin asked if any police officers had ever come in.

Mr. Doug stated they had not.

Commissioner Alan stated that the applicants reach out to the neighbor who had concerns.

Commissioner Meko congratulated commissioner Joseph on the hard work she did to see what the commission were witnesses for Bars in the Castro to be in compliance.

Commissioner Joseph stated it was important to save the history of the neighborhood.

Public Comment
No public Comment.

Commissioner Alan moved to approve
Commissioner Meko seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin
Commissioner Pred Commissioner Shlain Commissioner Joseph
NOES - None

Lopez, Belinda, dba JR's Bar, 3202 Mission St, Billiard Parlor.

Jocelyn Kane stated that it was a transfer of ownerships from father to daughter.
Belinda Lopez stated she was remodeling the venue and to keep it clear of drugs.

Public Comment
No public comment.

Commissioner Lorin moved to approve
Commissioner Meko seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin
Commissioner Pred Commissioner Shlain Commissioner Joseph
NOES - None

h. Sanchez, John-Eric, dba Sip Bar and Lounge, 787 Broadway, Place of Entertainment.

Jocelyn Kane stated it was a new name for an existing venue that used to be called the Tiger. No letters of opposition. Staff is recommended approval.

John Sanchez stated he purchased the bar and did some repainting. He added the former owners had a Dance Hall Keeper and nothing has changed since the permit was granted.

Commissioner Meko asked what the capacity was.
John Sanchez stated the capacity was in question and was being requested by fire department.

Commissioner Alan asked that he revised clean-up plan.

John Sanchez stated he was clear.

Commissioner Joseph stated ultimately the private security companies were not liable first.

Public Comment
No public comment.

Commissioner Alan moved to approve
with security plan present to maintain the
bar Commissioner Joseph seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin
Commissioner Pred Commissioner Shlain Commissioner Joseph
NOES - None

i. Villalobos, Francisco, dba Spitfire Rose, 1790 Broadway, Billiard Parlor/Mechanical Amusement Device.

Bob Davis stated inspections had been approved and staff recommended approval

Jocelyn Kane stated there was a typo in the address it should be Sanchez.

Public Comment
No public comment.

Commissioner Alan moved to approve
Commissioner Leong seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Leong Commissioner Lorin
Commissioner Pred Commissioner Shlain Commissioner Joseph
NOES - None

Public Comment

Scott Dudley stated he had a hard time getting a hold of staff to find out if there was going to be an action item on his agenda with the 12 Galaxies.

Commissioner Joseph asked had was it that the 12 Galaxies were not doing anything.

Scott Dudley stated they had done some work but could not detect the difference with sound improvement.

Bob Davis stated when he received report he would contact him.

Chair Shlain stated they would consider it as an action item on the next agenda.

2. Report from Executive Director on the following:

Nothing to report.

3. Commissioner Comments and Questions.

Commissioner Pred stated the new updated application. He added to have them attach a separate paper.

Public Comment
No Public Comment.

Review and approve minutes of September 20, 2005 of the Regular Entertainment Commission

Public Comment
No public comment.

Commissioner Alan moved to continue
the minutes of September 20, 2005
Commissioner Meko seconded
the motion.
VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan Commissioner Shlain and Commissioner Joseph Commissioner Lorin
NOES - None

4. Report from the Legislative Committee.

Nothing to report.

5. Report from Executive Committee.

Nothing to report.

6. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings.

Commissioner Lorin would like to see 12 Galaxies on the agenda as an action item as discussion and possible action to add limiter setting noise abatement for the law.

7. Adjournment. 6:09 P.M.

Submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, October 18, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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Call to Order and Roll Call.

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Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the regular Commission meeting for September 20 & 27, 2005, special hearing and October 4, 2005. **[Action Item]**

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a) **Hosley, Morrison, dba Shine (formerly Red Eye Lounge), 1337 Mission St, Place of Entertainment.**

   b) **Rodriguez, Santiago, dba Cama, 3192 16th Street, Place of Entertainment.**

   c) **Marlin, Gary, dba Broadway Showgirls, 412 Broadway, Extended Hours Premises.**

   d) **Carracci, Tony, dba The Pound, Pier 96, Place of Entertainment Amendment, Extended Hours Premises Amendment.**

3. Report from Executive Director on the following: The status of Sound Tech. position and ISCOTT Street Closure legislation. **[Discussion]**

4. Discussion regarding permit holder dba 12 Galaxies, 2565 Mission Street, and Mr. Scott Dudley regarding noise levels. **[Action item]**

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

5. Report from the Legislative Committee. Terrance Alan, (Interim Chair) on the following items under discussion: Provisional Permit, Extended Hour Premises and Street Performers.

6. Report from the Executive Committee. Jim Meko (Interim Chair) on the following: Discussion and possible vote on the election of a new chair for the Executive Committee, Discussion of policy regarding venues operating without permits, Discussion and possible action of hearing procedures and Discussion of policy regarding venues operating without permits.

7. Commissioner Comments and Questions.

8. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

9. Adjournment.

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City and County of San Francisco
Entertainment Commission

October 18, 2005

MINUTES OF THE
October 18, 2005
City Hall, Room 406
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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COMMISSIONERS
Present

Audrey Joseph
Terrance Alan
Jim Meko
Bruce Lorin
Joseph Pred

STAFF
Present
Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

Bowman Leong

CALL TO ORDER

The Commission Chair called the meeting to order at 5:03 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Bruce Lorin, Jim Meko Joseph Pred Audrey Joseph and Bowman Leong

Absent at the time of roll call were: Jordan Shlain

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

Public Comment

Mr. Mark Schnapp asked the Commission when they reviewed applications did they consider the accumulative effect of not just the application but also the surrounding environment and other applications that may have preceded it or likely to follow.

Commissioner Pred recommended that Mr. Schnapps' talk to staff after the meeting since it was public comment and not a dialog.

Public comment closed.

1. Review and approve minutes of the regular Commission meeting for September 20 & 27, 2005, special hearing and October 4, 2005.
Public comment
No public comment.

Commissioner Alan moved to approve
the Minutes of September 20, 2005
Commissioner Lorin second the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan
Commissioner Lorin and Commissioner
Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Shlain
ABSTAIN - Commissioner Pred

Public comment
No public comment.

Commissioner Lorin moved to approve
the Minutes of September 27, 2005
Commissioner Alan seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner
Lorin and Commissioner Joseph
NOES - None
EXCUSED - Commissioner Leong
ABSENT - Commissioner Shlain

Public comment
No public comment.

Commissioner Leong moved to approve
the Minutes of October 4, 2005
Commissioner Lorin seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner
Lorin Commissioner Joseph and Commissioner Leong

NOES - None
ABSENT - Commissioner Shlain

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

a) Hosley, Morrison, dba Shine (formerly Red Eye Lounge), 1337 Mission St, Place of Entertainment.

Jocelyn Kane stated the applicant was present seeking a Place of Entertainment and there were on-going concern's of neighbors that resided on Washburn alley next to the venue. She added staff received a recommendation from Southern station late in the day and approval from Planning. She added staff recommended granting a conditional permit.

Morrison Hosely stated they purchased the business on the first of the month and had got some of the concerns from the neighborhood a week ago. He added he invited the residents over to his restaurant Sauce in Hays Valley and talked about the conditions of the neighborhood in general. He added they came to the conclusion the majority of the issues were the impact on the neighborhood brought on the by his predecessor and the way he managed his business. He added they felt it was important for the residents to meet the owner and show them their intentions and run a responsible business as it relates to live music. He added he intended on being a good neighbor. He added the neighbors also had a grievance with the City and police protection and marginal persons in the alleyway.
Commissioner Lorin stated he had a problem with the No. 7 and No. 11 recommendations from Southern station.

Vice Chair Joseph stated she had a problem with No. 3 of Southern station recommendations. She added Scharod's Law required one-security person every 100 people and the applicant occupancy was under 100 people.

Commissioner Lorin stated the Commission would disregard the recommendations from Southern station.

Commissioner Alan stated he was involved with the Red Eye Lounge with one of the neighbor's and attempted to come up with some solutions to preceded problems that occurred. He added the applicant was purchasing a business were there was a history of complaints they had to work extra hard. He added the location of the venue was in not only in a great amount of flux and transition but there would also be a huge amount of construction. He added the applicant should continue an on-going dialog with the neighbors so that it would not break down and create problems later. He added if the applicant started out that way and continued he would have a great amount success.

Commissioner Joseph stated the applicant's application stated his security personnel would walk the perimeter every thirty minutes from 1:00 A.M. to 2:30 A.M. She added why his security could not walk every thirty minutes from the time they opened and closed.

Mr. Hosely stated from what he heard from the neighbor's grievances they were the later part of night.

Commissioner Joseph stated the applicant needed to secure his perimeter during hours of operations.

Commissioner Meko stated he was happy the applicant was aware of the problems that were being caused by Washburn alley. He added what were his plans on how he might move his patrons from going into the alley.

Mr. Hosely stated he would have more of a lounge atmosphere and would have more one on one contact with their guest. He added from his experience in the past, having more active participation with his staff and guest mad e them tend to behave better in neighborhood. He added there was not a lot of parking in the area and the patrons would more than likely disburse across Mission Street, which was less residential, and therefore less impact.

Commissioner Meko stated the neighbors recommended in their letter for the applicant to discourage the patrons parking in the alley and suggested valet service. He added could the applicant post a sign for patrons not to park in the alley.

Mr. Hosely stated discouraging parking in the alley was not possible to do; he would post signs inside the venue and tell patrons in the club not to park in the alley

Commissioner Meko cautioned the applicant that the location of his venue would developed into 100's of units of affordable housing.

Santiago Rodriquez stated he was a bar owner and he knew Mr. Hosely and saw his current operation and his impression was that the cliental would change to a level that had more sophistication and urged the Commission to grant the permit.
Public comment closed.

Commissioner Meko stated the Planning Departments Good Neighbor Policy did not apply to Places of entertainment. He added if the Commission did not get the recommendations from Southern station by Friday before the weekend it was a complete waste of time. He added the conditions that matter was the ones covered by the Good Neighbor Policy the ones adopted by the Entertainment Commission.

Commissioner Lorin stated was there any way to get the word back to the commanding officer of Southern Station about the Commission's findings.

Captain O'Neil with the San Francisco Port Service Division. He added he could relay them. He added the Commanding officer there had been indicated that the permit section handled the administrative task and they did not have any business telling them how to operate.

Public comment
No public comment.

Commissioner Alan moved to approve
with the standard Entertainment
Commission Good Neighbor Policy
Commissioner
Lorin seconded the Motion.

AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner Lorin and Commissioner Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Shlain

b) Rodriguez, Santiago, dba Cama, 3192 16th Street, Place of Entertainment.

Bob Davis stated staff recommended a continuance until there was some resolution at the Planning Commission, which determined a CU, was required which would take many months. He added there were many letters of concerns for the venue having a Place of Entertainment including a letter from Supervisor Daly.

Santiago Rodriquez stated he took over the venue located at 16th and Gurrerro and he cleaned up the venue. He added his intention with his bar was to have a place where you could have cocktails and view his art pieces. He added he had done a tremendous favor to the neighborhood by keeping the graffiti to a minimal. He added they security out front that provided extra vigilance for people on the corner. He added over all the market he was brining was of a respectable caliber.

Commissioner Joseph asked if he had a sound system at his venue and what type of music was played at the venue.

Santiago Rodriquez stated he had a turntable sound system and he played Connie Francis and a variety of other artist. He added he played the records as well as a friend. He added none of the people at his establishment had ever been paid.

Commissioner Meko stated was the applicant aware of the complaints from neighbors that noise was audible in their homes.

Santiago Rodriquez stated he received one complaint about eight months ago from his landlord. He admitted to abuse the sound levels because he did not think it affected anyone. He added none of his neighbors came to him or left any notes to complained until his landlord called him. He added when his landlord told him about the problem he received a call from the police and that was when he contacted the Entertainment Commission at the suggestion of a police officer. He added when he posted his venue it prompted neighbors to deliver letters to all of the neighbors.

Commissioner Meko asked if he had seen the file and was he aware that his neighbor's had gone to his establishment and asked him t lower the volume.

Santiago Rodriquez stated he was aware of the incident and a resident came down and asked him to turn down the music and he did. He added since then he had not received any more complaints about the sound system.

Commissioner Meko stated on his applications was it asked if there were any churches or schools near the venue he stated there were not. He added a resident stated there were three churches and a boys and girls club in the neighborhood.

Santiago Rodriquez stated he wasn't aware there were churches but was a ware there was a playground and a Church on Geary Street but it was more than two blocks away.

Commissioner Meko asked if the applicant was aware he made a false statement on his application.
Mr. Santiago stated he did not do it intentionally. He added he lived in the Mission and walked through the Streets everyday and every direction.

Commissioner Alan asked was it correct that the applicant that he would never employ professional DJ's to play entertainment or did he think there would be a time when he would employ them

Mr. Rodriquez stated he would love to at some point because of his love for music and mixing.

Commissioner Alan stated if the applicant never chose to do it he did not need a Place of Entertainment permit. He added whether the applicant had a Place of entertainment or not it did not give him the right to have his sound heard in surroundings residents. He added it could be an expensive and frustrating problem to fix but it was something that could be repaired. He added he would have to be patient and respectful of the neighbors so that when he applied for one there would be no issues with angry neighbors.

Mr. Rodriquez stated he was aware that he would not need one and he never meant any disrespect.

Commissioner Alan asked did he knowledge of the name or the badge number that advised him that he needed a Place of Entertainment Permit.

Mr. Rodriquez stated he did not remember the name but thought Jocelyn Kane knew the name of the officer.

Commissioner Leong asked had he had a sound test done.

Mr. Rodriquez stated he had not had a sound test done

Commissioner Pred stated the Commission had punched enough holes in the application and gives the applicant an opportunity to redeem his application more truthfully at the next hearing.

Public comment

Jean Lindren stated she resided in back of the building on the top floor. She added the application sounded good on paper and there was loud yelling and singing. She added it would continue until 2:00 A.M. She added she received a letter and they stated there would be no bands and his application states he would. He added they would have to deal with the noise seven nights a week. She added the letter was vague and urged the commission to deny the applications in its form.

Scott Ellsworth stated his concerns were with the level of noise that was already in the neighborhood. He added that he did not want it to get any nosier than it was because he needed to sleep at night and urged the Commission not to approve the application as it was currently written.

Denise Deanna stated she lived on Gurrerro Street and she could hear the noise from her bedroom. She added she was not impacted heavily but she feared for the future and the impact that it would bring. She added they were not notified by the applicant of their and urged the Commission not to approve it in its present form.

Commissioner Joseph stated the applicant was required to post for 30 days.

Craig Demko stated he was the general manager and part owner of a restaurant next to Cama. He added listening to the testimony reminded him of all the difficulties they had opening their venue. He added the key to success was working with everyone closely. He added there was a lot of vague misunderstanding of the application and the intention of the applicant as a businessperson and what the members of the community were looking for in terms of solutions. He added Santiago has changed the element of the venue and he was willing to work with Santiago and the neighbors to get things resolved.

Mark Schnapp stated the applicant stated posting the notice on his window did not

require him to inform the neighbors other than posting the notice. He added it was not merely a problem of sloppiness or obliviousness but one of blinders he added the patio at the venue was filthy and probably not allowed to be used for that purpose. He added there were several patrons outside on the sidewalk smoking while the front door to the establishment was open with the music blaring onto the street. He added the applicant did not have any comprehension of what was going on and the applicant did not understand the Good Neighbor Policy and the Commission should reject the application in its current form and give him a good explanation of what an entertainment permit was.

Mark Rennie stated he knew Santiago Rodriguez and wished to speak in favor of him and his venue. He added the Commission could poke holes in any application. He added Mr. Santiago was an immigrant from Columbia and started out in San Francisco as a Bus Boy and now owned a very nice restaurant on Hayes Street and it was his second venue. He added the applicant went into the place and did a lot of hard work and with very little money and turned the place around and made it a really nice place. He added Santiago should be considered for his hard work and it showed character when you come up from a bus boy and own two venues in San Francisco. He added he had security in the street and cleaned up the area. He added there needed to be a sit down with the neighbors. He added Cama had a very respectful cliental and felt the Commission should grant the permit.

Jan Yu stated she lived two floors above Cama. She added she was a community outreach organizer. She added it was an issue for her at night to sustain her quality of life. She added she knew there was a bar when she moved in. She added it was the patio area creating the noise problems for her, which led her to turn the heater on every night so that her daughter could sleep and she slept with earplugs every night. She added she hoped Mr. Santiago would not forget residents were part of the neighborhood and the sound should be monitored.

Shame Francis stated he lived across the street from Cama. He added the level of noise with the multiple bars in the area was pretty intense at night. He added he liked to go out but it was to a point were he wanted to sleep at night.

Harold Herman stated he owned Elixir Bar on the corner of 16th and Gurrerro and was a neighbor to all the previous speakers and wanted to pledge his support for Santiago. He added he understood both his challenges in containing the noise when you were trying to build a business built on nightlife. He added it was the venue owner's responsibilities to control the volume. He added he wanted to open up his facility and work with the Cama and the neighbors to create a better atmosphere for the neighborhood and hoped the Commission would approve the application.

Public Comment closed.
Commissioner Joseph state staff was good at setting up mediation and suggested the applicant call Jocelyn Kane to set up a meeting with the neighbors to talk about the issues that could be resolved.

Commissioner Meko stated one of the letters from the neighbors stated the City thrived on entertainment and culture but entertainment must co-exist with everyday life and Soma and Dog patch were probably appropriate for free willing entertainment and residential neighborhood like his were not appropriate venues. Commissioner Meko stated he lived in South of Market and had a good many friends who lived in Dog Patch and they were residential neighborhoods too. He added another resident and venue owner stated that business was good for neighborhoods but if neighbors could not sleep the neighborhoods would die. He added like his neighborhood they were mixed-use communities and they had to learn to co-exist and he strongly recommended the applicant get together with the neighbors and work out their

issues.

Commissioner Alan stated the reality was it was a mixed-use district but even more it importantly the buildings the residents lived in were never designed to the standards of sound containment that the current building code currently dictated. He added when a change occurred they had impact on everyone around them and were never foreseen in the earlier years when the they were built. He added they now had to be taken into consideration by the new owners. He added if the business went forward without an entertainment permit they would not have the entertainment to go to bat for them as residents should there be any issues and the venue owner would not have the assistance of the Entertainment Commission to work with him to be a good neighbor. He added they should work together to build a strong community.

Commissioner Lorin moved to continue
the item to the call of the chair
Commissioner Leong seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner Lorin, Commissioner Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Shlain

c) Marlin, Gary, dba Broadway Showgirls, 412 Broadway, Extended Hours Premises.

Jocelyn Kane stated the item was an application for Extended Hours Premises. She added there was a recommendation from planning that it would require conditional use authorization and therefore SFPD verbally stated they would not be sending conditions until it would require a conditional use authorization. Staff recommended continuing the item.

Public comment
No public comment.

Commissioner Leong moved to approve
Commissioner Alan seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner Lorin, Commissioner Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Shlain

d) Carracci, Tony, dba The Pound, Pier 96, Place of Entertainment Amendment, Extended Hours Premises Amendment.

Bob Davis asked the item be continued because there were some issues with the port that were still trying to be worked out. He added he meet with Mr. Carracci's Attorney and Monique Moyer of the Port requested that the Commission continue the item. He added staff recommended a continuance.

Mark Rennie stated he was appearing for Tony Carracci. He added there were some issues between the port and Mr. Carracci and they were being worked on. He added the item be kicke4d to the third Tuesday meeting in November. He added it was a request for an entertainment amendment that would allow for Mr. Carracci to use his side patio of his establishment. He added the City of San Francisco should allow

certain out door amplification other than one-time loudspeaker permits.

Bob Davis stated Mr. Carracci was trying to work out some of the land use issues and that was why the port and staff asked for the continuance.

Public comment
No public comment.

Commissioner Lorin moved to approve
Commissioner Alan seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred, Commissioner Lorin Commissioner Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Shlain

3. Report from Executive Director on the following: The status of Sound Tech. position and ISCOTT Street Closure legislation.

Bob Davis stated he distributed the legislative language that was passed to give the Commission a voting seat for the Entertainment on ISCOTT. He added there was some additional language was at the request of Emergency Services assisted by Commissioner Pred that emergency medical requirements for events that were consider major events. He added it required that the Entertainment Commission be notified for a street closure's for major events. He added staff received 32 applications for the sound technician position and the application process was closed and a rating sheet would be sent to him rating the applicants and the interviewing process would begin.

4. Discussion regarding permit holder dba 12 Galaxies, 2565 Mission Street, and Mr. Scott Dudley regarding noise levels.

Bob Davis stated Mr. Dudley appeared before the Commission at the last hearing with some concerns that were still unresolved from noise coming from 12 Galaxies. He added at the request of Scott Dudley and Commissioner Lorin staff agendized the item as an action item with the intention that if the Commission felt it was warranted a limiter device could be imposed based on additional sound test.

Commissioner Joseph stated officer Anzore did some sound inside the resident and found the noise to be audible inside the resident and recommended that the overall decibel level be reduced by 10DB's and a limiter to be used.

Commissioner Lorin asked to here from Mr. Dudley from the level of cooperation he was getting from the club owner.

Mr. Dudley stated it had been a reasonable cooperative process as well as long drawn out process and it was now October 2005 and he originally contacted the club in January of 2005. He added he had not seen much of a change in the sound level.

Commissioner Joseph asked had he contacted the venue owner when he heard the bands noise inside his apartment.

Mr. Dudley stated he had not contacted him because he had been awake since 5:00 A.M. that morning but he took a sound reading.

Commissioner Joseph asked how the noise level was in his apartment currently.

Scott Dudley stated they had one show since they completed the soundproofing. He added it was still a problem and it was audible inside his resident with the windows closed.

Commissioner Alan stated would Mr. Dudley rate that there was any improvement. He added in reading Mr. Dudley's letter and based on his testimony he stated there was some improvement and now testified there was no improvement. He needed clarification.

Mr. Dudley stated he could not really notice a change and the problem were not fixed.

Commissioner Joseph asked him to explain his sound proofing system.

Adam Bergeron stated he was co-owner of the 12 Galaxies. He added they constructed a small room, which was previously a lounge behind and above their stage were they knew sound was leaking out of. He added they wanted to create a wall of a layer of soundboard and insulation to become a seal and it could become a green room to sound proof the venue. He added they incased the subwoofer so that it was off the stage and was incased in. He added they soundproofed their stage. He added they bought sound proofing blankets and covered the skylights.
Robert Levy stated there was a crawl space and sheetrock ceiling and it was insulated.

Commissioner Joseph asked if the venue owners checked outside their venue music was playing to see if there was a difference.

Mr. Bergeron stated they had just installed it and had not checked for sound test.

Commissioner Joseph asked if they took the limiter off to do a sound test to get an accurate sound reading.

Mr. Bergeron stated they had a limiter but there was no way to monitor it if there was a guitar plugged in.

Bob Davis stated the building had structural problems and they he asked them to look at and they addressed it. He added the limiter was a separate issue. He added they would look at ways to insure the band members to be incorporated into the system.

Commissioner Alan stated Mr. Dudley's testimony that the band played at full volume without any limiter that was good news because it was not as loud bad as the loud bands the venue owner was going in the right direction and continue because he was not there yet. He added the problem in order to stop base waves in a wood frame constructed building was to build a building inside. He added the process was very expensive.

Scott Dudley stated he could here everything from one event.

Commissioner Alan stated the venue was never going to solve the base problem unless create a building within a building. He added another way around it was to turn the volume down.
Commissioner Joseph stated the venue owner needed to turn down the music down. She added they should work with Mr. Dudley and make peace. She added they had to

be able to turn it down and getting the base bin off the floor.

Commissioner Lorin stated he appreciated Mr. Dudley coming forth and asking for help. He added he appreciated the applicant's cooperation with working the sound issue out. He added he would prefer they work out the issues and not involve the commission unless it process failed.

Commissioner Alan stated he agreed with Commissioner Lorin. He added there were many sound companies that allowed him to look at the spectrum of sound. He added by eliminating a notch filter eliminating the frequency within Mr. Dudley apartment it would create instant relief when they address the larger problem and it the applicant did it well the audience would not notice it.

Mr. Dudley stated he first contacted the club January of this year without involving any outside mediators were they agreed the problem would be fixed in six months. He added he was frustrated that they were still at this point and that no substantial work began until effectively September. He added at no time during the last nine months when he asked the club to turn down volume had the club owner ever actually turned down the volume. He added his goal for coming to the commission would be to put a final date on it for the venue owners to set a limiter and do some soundproofing so that the residents had some recourse if things did not work out. He added he would like to resolve the problem without involving the Commission any further but didn't want another 6 months to go by without any progress.

Bob Davis stated the Commission could tell the applicant they had to obey the law and the applicant could ask for some time in order to try to medigate whatever problems there were.

Commissioner Joseph stated truthfully and reasonable expectation if the process the applicant went through did not cure the defect would the applicant continue to cure the defect and how long would it take him to do it.

Mr. Bergeron stated they had been going through the steps of trying to cure the problem. He added they had to save money to address start addressing some of the problems. He added they had done many things and the fact there was no improvement was mind-boggling. He added they would continue to address the sound problems.

Commissioner Joseph asked them to submit a chronology of the work that had been done and send it to staff for their files.

Mr. Robert Levy stated if the other processes didn't work they would go into their crawl space or seal up their skylights. He added they did not to tend to stop until Mr. Dudley was a happy neighbor.

Commissioner Lorin asked had they conducted a sound test.

Mr. Levy stated they did a live test in the evening at the soundboard. He added they had not done it since they added more soundproofing. He added they were still audible in Mr. Dudley's apartment. He added they had not done the test again with the new soundboard.

Commissioner Pred stated the problem was like perfecting a golf swing and you could fix one problem and it would reveal another and could go on for some time and asked Mr. Dudley to be patient with the process because it may be many layers involved. He added he understood the process of saving to address the problems. He added the

cheapest thing available would be to turn the music down and that was a free option.

Robert Dindahl attorney for 12 Galaxies stated there had been improvement and he was lining up contractors to address the sound problems and it would take them at least 30 days. He added the venue did have a limiter and would appreciate the item be continue and it was a problem they took seriously.

Monica Blayalock stated she resided behind the bar. She added she had two small kids and was trying get a good night's sleep and was not always able to do that. She added she wanted to work with the bar but wished they would turn the volume down until the problem was fixed.
John Macciocca stated he lived on 662 Capp Street and his bedroom faced the back of the club and he could hear music at night the noise coming from the building. He added the quickest and cheapest solution was to turn down the volume.

Captain O'Neil stated the applicant should be clear in understanding the law and it did not allow the sound to imamate into another premises and they were subject to a citation. Should Mr. Dudley calls the police. He added the venue owners were extremely fortunate that Mr. Dudley was working with them.
Heather Marr stated she lived at 662 Capp Street and she had the same complaints as the previous speakers. She added she felt a little strung along with the venue but was hopeful it would work, but was frustrated as well. She added she hoped they would turn the sound down.

Public comment closed

Commissioner Joseph stated her friendly amendment would be for 12 Galaxies to obey the law.

Commissioner Lorin moved to continue to them at the call of the chair and for 12 Galaxies obey the sound ordinance. Commissioner Alan second the motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner Lorin and Commissioner Joseph and Commissioner Leong
NOES - None
ABSENT - Commissioner Shlain

5. Report from the Legislative Committee. Terrance Alan, (Interim Chair)

Commissioner Alan stated they had come to terms with a provisional permit for a one-day permit and the committee would bring it to the board. He added they would make recommendations for 1070.82 for amendments. He added there needed to be clarification on the special dance permit. He added the street performers permit was continued. He added they discussed the issue about ambient speaker permits and the success and failures of the Seattle Washington youth permit.

Bob Davis stated the street performer was at the port for location and it was important to and it had to be part of the language.

6. Report from the Executive Committee. Jim Meko
(Interim Chair)

Commissioner Meko stated he was selected as chair of the Excutive Committee and they were looking for a third member to add to the committee. He added the Executive Committee was created to add continuant to the Executive Director and to

review and work out policies. He added the commission needed to pen down firm polices and follow up on venue owners to see that they are abiding to the conditions of their establishment. He added they discussed having a "task tracking cycle" and recommended to start having a consent calendar added to the agenda.

7. Commissioner Comments and Questions.

Commissioner Alan stated there would be a New Years Eve and a Halloween event.

8. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings.

No future items for the agenda.

Adjournment. 7:46 P.M.

Respectfully Submitted by Crystal Stewart

Entertainment Commission
City and County of San Francisco

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OCT 27 2005

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Notice and Agenda for Meeting
Tuesday, November 1, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

1. Review and approve minutes of the regular Commission meeting for October 18, 2005. **[Action Item]**

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a) **Hsu, Howard, dba Club Q/Hollywood Billiards, 61 Golden Gate/1028 Market, Place of Entertainment, Billiard Parlor, Ext. Hours Premises.**

   b) **Bronstein, Greg, dba Sneaky Tiki, 1582 Folsom, Place of Entertainment.**

   c) **Bronstein, Greg dba The Transfer, 198 Church Street, Place of Entertainment, Billiard Parlor, Mechanical Amusement Device.**

   d) **Nyman, Richard, dba Soluna Cafe, 272 McAllister Street, Place of Entertainment.**

   e) **Butler, Anita, dba Fanatics Entertainment Complex, 601 Cesar Chavez, Place of Entertainment, Billiard Parlor, Ext. Hours Premises.**

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

3. Report from Executive Director on the following: The status of Sound Tech. position. **[Discussion]**

4. Report from the Legislative Committee. Terrance Alan, (Interim Chair) on the following items: **Entertainment Law Reform Act of 2005** – Discussion, possible action and study of all laws and ordinances that affect events and businesses permitted by the Entertainment Commission. **Legislative Updates** committee on the progress of previously recommendations from this committee. **Street Entertainer Permit** – Update by the Executive Director on the adoption of a timetable to collect community input. **Ambient Speaker Permit** - Discussion, possible action to create a yearly permit that will allow ambient music to be played outside of an existing business. **Amphitheater Permit** - Discussion, possible action to create a permit that will allow for an amphitheater style entertainment venue to be permitted within the City and County of San Francisco.

5. Commissioner Comments and Questions.

6. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

7. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room **406** is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

November 01, 2005

MINUTES OF THE
November 1, 2005
City Hall, Room 406
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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COMMISSIONERS
Present

Audrey Joseph
Terrance Alan
Jim Meko
Bruce Lorin
Joseph Pred

STAFF
Present
Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

Bowman Leong
Jordan Shlain

CALL TO ORDER

The Commission Chair called the meeting to order at 5:13 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Bruce Lorin, Jim Meko Joseph Pred Audrey Joseph, Bowman Leong and Jordan Shlain.

Absent at the time of roll call were: None

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

Public Comment

Barry Taranto stated business was horrible
for Taxi cab drivers on Halloween in the Castro. He added he was concerned how the police made their decisions with helping the cab drivers help to move patrons in and out as fast as possible. He added the perimeters were changed constantly and the police department did not inform the taxi services what was going on. He added there were several non San Francisco cabs and the City could get sued if someone was hurt in an accident in a cab or limo that was not properly insured. He hoped in the near future that the taxi industry was informed and included in the preparations.

Public comment closed.

1. Review and approve minutes of the regular Commission meeting for October 18, 2005.

Public comment
No public comment.

Commissioner Meko moved to continue
the Minutes of October 18, 2005
Commissioner Alan second the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan
Commissioner Lorin, Commissioner
Joseph Commissioner, Leong Commissioner
Shlain and Commissioner Pred
NOES - None

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

a) Hsu, Howard, dba Club Q/Hollywood Billiards, 61 Golden Gate/1028 Market, Place of Entertainment, Billiard Parlor, Ext. Hours Premises.

Bob Davis stated staff recommends the applicant be denied based on police code Section 1060.5 Staff recommended continuance.

Mark Renne stated he represented Mr. Hsu and Club Que/Hollywood Billiards. He added he came onto the case last night. He added the item was heard 6 months ago before the Commission because there were some issues about the actual permit holder and at the time his client applied for the actual permits and the item was continued to the call of the chair and the were present today on that particular issue. He added there was a thick file on the venue with letters from the Tenderloin Task Police Department and the city attorney's dealing with various permit issues. He added his client would accept a continuance of the matter. He added they were willing to continue the after hours permit clean up a few outstanding permit violations and construction issues with Building inspections. He added they would keep the Place of Entertainment on calendar for today or. He added a lot of the

issues that were addressed had to deal with occupancy issues and building code violations. He added since that time his client had taken out a building permit. He added the work needed to legalized and would be dealt with after November 4, 2005 ands would schedule a final sign off. He added Mr. Anzore did a sound test at the beginning of the year it was continued or there was no report made. He added he received today a list of cad reports dated November 1, 2005 on 20 plus incidents near the club. He added his client took over the property in 2004 and was not responsible for several of the incidents. He added it was one of the tougher neighborhoods in the city and Mr. Hsu had been working with his security staff. He added they admit there were some issues and problems and they were trying to address the problems.

Mr. Howard Hsu resides in El Cerrito California. He stated the building code violations dealt with alterations of the building as well as the occupant load. He added his occupancy load had been signed and approved by the Fire Department and Building inspection and he was waiting for the district inspector to come and finalize it. He added they did have noise violation and they had taken steps to address and eliminate the problem. He added most of the assaults were outside of the premises the most recent incident occurred when a gentleman decided to go back to his car and retrieve a weapon from outside of his car and he felt that was out of his control. He added his security took steps to pat down for weapons, alcohol and drugs as they enter the premises. He added there was no way for him to prevent people from brining weapons in their cars or calling people to bring them down. He added his security had done everything they could to clear the street and to move people along and break up fights.

Commissioner Joseph stated the applicant's application was old and did not address the issues of the current application. He added the applicant needed to update his application and supply a security plan prevision and other things to the Commission required. She added the applicant needed to resubmit a current application.

Officer Torres from Tenderloin Police station. He added the applicant Howard Hsu, Club Q. located 61 Golden Gate applying for a Place of Entertainment, extended hours and Billiard Parlor permit. He added the establishment has had a history disorderly conduct and violence and the Police department had a serious public safety issue and concerns at the location. He added he would like to go through the list of incidents since Howard Hsu had taken control of the establishment. He added prior to Howard Hsu control on December 7, 2003 there was a homicide and shooting, one person died and three people were seriously injured from gunshot wounds.

Commissioner Lorin asked Officer Torres could he give the relation to the establishment of the crime to the venue. He added if there was going to be a report to a crime near the venue there should be a nexus to the club. He added it did not serve a purpose.

Officer Torres stated the establishment had a history of disorderly conduct and violence, and the Police Department has serious public safety issues and concerns at the location. He read a police report that included 26 violations that detailed the following incidents that included: Assault and Battery; a Stabbing, Gunshots Homicide/Shooting report Noise Complaints, weapon charges, Arrest, Permit Violations, Occupancy Load violations and ABC license violations. He suggested the commission make a request from the legal department for detailed report. He added his recommendation was to disapprove the entertainment permit, Billiard Parlor and extended hours permit based on all the incidents that had occurred at the location. He added it clearly showed the establishment had been operating in a disorderly manner.

Chair Shlain stated if the item was continued every permit would be continued. He

added the applicant could not operate.

Commissioner Alan stated that staff should request police reports from the Police Department to make note of time of the incident reports.

Commissioner Meko asked the City Attorney to enlighten the commission how it was in the Commission's discretion to deny a permit based on a history of disorderly operation on a premise.

Dorji Roberts stated grounds for denial, for a place of entertainment permit were set forth in Section 1060.5F inadequate space, parking, and or no adequate security plan. He added the Commission could consider the operations of the applicant prior to having received a permit in violation of the code. He added it would be appropriate to continue the item.

Commissioner Joseph stated what were the consequences and getting the permit if they were in violation.

Dorji Roberts stated they were operating without a permit there were potential consequences. He added if there was a history of security problems with the operator the Commission in connection if whether or not the security plan is would be in violation if they wee operating without a permit.

Public Comment

Anthony Barilari stated he and his wife resided at 61 Golden Gate across the Street from Mr. Hsu's club. He added he had 44 petitions signed by people ion his building that did not want to a permit issued to Mr. Hsu to operate extended hours club. He added over the last four months there had been several fights in the street. He added when the people pile out of the club they commenced to fighting and shooting between 2:30 and 4:00 A.M. on the weekend. He added they were aware they lived in an area were there were a lot of clubs and business that operate in the area that did not create a public nuisance outside. He added they were asking for resolution and under the current ownership it has not happened.

Sam Navarro stated he was a resident at 61 Golden Gate. He added the music was so loud that their windows vibrated at night until the club let out. He added he did not and he and his wife could not sleep because of the patrons waiting outside to get into the venue and did not see how two to three security guards could provide adequate crowd control. He added other venues in the area had crowd control and they had no problems with them. He added he worked with power tools and his ability to perform his job adequately the next day was impaired because he had not slept. He added the club could be run in a more responsible way.

Aaron Martin stated she resided at 61 Golden Gate and was kept up at night because of the noise from the crowds outside the venue. She added it was the owner's responsibility to address the noise issue and control the safety of the patrons.

Howard Chin stated he was an Asian American activist in San Francisco. He added San Francisco was comprised of 35 to 40% of Asian Americans there were very few Asian American club owners. Francisco. He added entertainment was dramatically low in San Francisco and if they attacked the venue there was dramatically low. He added if the club there would be less Asian American club owner. He added he was highly supportive of Club Q. He added there would be a cultural singing club party at the venue. He added the commission should issue the permit

Azi Caliek stated he ran the bar. He added when there was situations inside the club Howard handle them as well as security. He added the applicant was trying his best with what he had and thought the Commission should give him a chance.
Yoan Slau stated worked for the party bus company Friday and Saturday nights as a host. She added her patrons were warned they were in the Tenderloin and to not bring anything of value off the bus. She added it was only in their control if they listen. She added a stronger police presence would be help.

Christina Lee stated she was a bartender at Club Q. She added as a personal friend to Howard he's never owned a club but was a great businessman and was still learning. She added she understood the neighbor's complaints but did not think it was grounds for shutting a club down completely. She added Howard Hsu was working very hard to fix the issues that were facings him.

Bejin stated she was a personal friend of Howard Hsu and came to the club often. She added Howard was a good businessman and business owner and was very responsible and hardworking. She added there was an incident were she and her friends left his venue and some guys followed them and threw something at them and she called Howard and he called his security and handled it very efficiently. She added she and her friends are escorted to their cars and he tried to minimize any incidents that occurred outside the club but there were times when it was out of his control.

JP stated he was a customer of the venue. He added the club was run in an organized manner the parties were organized inside and the security was present when they needed to be. He added unfortunately it was a rough neighborhood.
Captain O'Neil stated Mark Rennie was correct about the department had been a little cavalier with the cad reports including noise complaints and double-parked cars and accidents as well as medical responses. He added if you listened to Officer Torres the majority of the reports were not of that nature. He added he did recall the last three incidents that did occur at the club were a individual came out of the club and was accosted punched in the face and robbed. He added there was a fight inside the club and was not controlled after flowing out onto the street where there was a discharge of a firearm. He added the most recent incident was a stabbing of a young woman who was in the crowd from a person that had been at the club. He added the applicant did have some responsibly for the protection of his patrons. He added passed performance was the best indicator for future performance and thus far the venue had demonstrated a very poor performance.

John Park stated he was with an Asian American promoter in San Francisco and had been in the business for 10 years and was very familiar with Asian American formats. He added it was at a disadvantage because of the location of the venue. He added that commission should reconsider and look into the police report and see if the incidents were in direct connection to the venue.

Public comment closed.

Chair Shlain stated the Commission was not in the business of shutting venues down the Commission was in the business of permitting a place of entertainment.

Commissioner Meko stated the police cad reports stated there were noise complaints throughout the cad report. He added city law required that the noise be not is audible in surrounding residents. He added the grounds to deny the application was the inability to prevent admissions of noise that substantially interfere with the peaceful enjoyment of neighboring property. He added his noise issue would require a dramatic change of course and would it be in keeping with his model of business would he manage to be successful enough that it would be worth him applying for a

place of entertainment.
Mr. Hsu stated he was surprised the residents came to bring up the topic because he had spoken to the building manager at 50 Golden Gate Avenue to request that if there were any problems with neighbors to bring them forward and gave the property manager letters and his cell phone number to pass out to the tenants to contact him if there were problems in the past. He added this was the first he had heard anything regarding the noise issues. He added he would take the steps of soundproofing or moving the speakers or reducing the volume completely.

Commissioner Joseph stated if the Commission issued a permit they could place conditions on the permit and would have to operate in those conditions. She added one of the conditions would be to have a good security plan. She added how minors entered his premises with his current security staff and was caught and his ABC liquor license was suspended for 10 days.

Mr. Hsu stated they filed to abandon their license for one day for the event not knowing he needed a final sign off and moved forward with the event. He added he was asked to take a 10-day suspension instead of going to a long hearing process.

Commissioner Joseph stated his occupancy load was almost double to 486.

Mr. Hsu stated he did not remember where the number came from but remembered it being closer to 386.

Commissioner Joseph stated in the process of obtaining his permit he continued to operate without permits. She added there were problems in front of his club. She added why he continued to operate without a permit.
Mr. Hsu stated he had the Hollywood Billiard permits within his control with the power of attorney and the licenses were not surrendered to the City Attorney until late last month.

Commissioner Joseph stated the permits were not transferable.

Officer Torres stated that the commission should inform him of what the grounds were for not operating as a place of entertainment at his venue.

Chair Shlain stated he would direct staff to write a letter to Mr. Hsu explaining in detail how he is not to operate and Officer Torres would be copied on the letter.

Commissioner Alan moved to continue
To the call of the chair and admonished
him not to operate as a Place of
Entertainment or after hours
Commissioner Joseph seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred, Commissioner Joseph, Commissioner Shlain
NOES - Commissioner Lorin and Commissioner Leong

c) Bronstein, Greg dba The Transfer, 198 Church Street, Place of Entertainment, Billiard Parlor, Mechanical Amusement Device.

Jocelyn Kane stated Mr. Bronstein owned a number of businesses in San Francisco. She added the bulk of his businesses were in the Castro. She added the applicant called and was unable to attend but hoped the Commission could move the items

forward based on the fact the Commission was familiar with him and there were no substantial issues with either venue. She added Mission station verbally approved the permit but she had not received it in writing. She added she was unclear of the conditions by southern station and staff recommended approval.

Public Comment
No public comment.

Commissioner Joseph moved to continue
Commissioner Alan seconded the
Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred, Commissioner Joseph, Commissioner Shlain and Commissioner Leong
Absent at time of vote - Commissioner Lorin
NOES - None

b) Bronstein, Greg, dba Sneaky Tiki, 1582 Folsom, Place of Entertainment.

Jocelyn Kane stated Sneaky Tiki was previously known as Hamburger Mary's. She added Planning approved it without intensification of use and she received the recommendations from Southern station with the restrictions that Mr. Bronstein was aware of from the previous permit issued. She added one of the conditions was that Mr. Bronstein obtains valet parking. She added staff recommended approval.

Commissioner Meko stated entertainment venues in south of Market zoning had to be grandfathered in before 1990 and Hamburger Mary's did not avail themselves to the opportunity. He added when Paul Langley took over and changed it to Harvey's he went to the zoning administrator who denied his application because of the grandfather clause and took it too the board of appeals and the board of appeals overruled Planning and he was granted a place of entertainment with conditions and the conditions would have to carry through to the applicant.

Lt. Schlotz stated she was puzzled by the information about the valet parking. She added perhaps since parking was hard in the area and if they use it they should get a valet permit.

Commissioner Alan cautioned the Commission that the statements made by Commissioner Meko regarding the Planning Code were inaccurate and disagreed with his interpretation. He added the notice of appeal clearly stated the board of appeals ordered the subject determination overruled by the zoning administrator, which allowed for entertainment to go forward. He added the conditions that were generated were not generated as a result of the permit appeals board decision and the police department applied the conditions and the conditions appeared to him as stated in the document based on the police department's issuances and did not believe the Sneaky Tiki was bound to them.

Commissioner Meko stated he agreed with Commissioner Alan but the restrictions did apply.

Jocelyn Kane stated the info came to her by Paul Lord. She added staff could ask for further information.
Bob Davis stated the conditions were usually passed on.
Commissioner Alan stated the commission would make a mistake and staff should do that further research. He added they conditions should not be grand fathered into the applicants permit.

Commissioner Joseph stated they should move the application forward and then amend the permit if needed.

Public Comment
No public comment.

Commissioner Joseph moved to approve
Commissioner Alan seconded the
Motion and the applicant apply for a
White passenger loading zone

AYES - Commissioner Meko, Commission Alan Commissioner Pred, Commissioner Lorin, Commissioner Joseph Commissioner Leong
and Commissioner Shlain
NOES - None

d) Nyman, Richard, dba Soluna Cafe, 272 McAllister Street, Place of Entertainment.

Jocelyn Kane stated the applicant applied for a place of entertainment permit on October 4, 2005 and had owned the business for three months and it was an ongoing operating business that he took over and kept the same name and menu. She added there was approval with conditions from Tenderloin station as well as planning. She added there were a number of people present to speak on the item as well as some letters of opposition.

Mr. Richard Nyman stated he recently took over the Café three months ago and continued with the service as is that included lunch, dinner and late night entertainment. He added he was aware of the previous issue of the neighbors with noise from the venue and patrons outside the venue. He added over the past three months he had welcomed comments from the neighbors if they had problems with noise coming from the venue or people outside. He added he created posted a large red sign to tell patrons to keep quiet and be respectful of the neighbors. He added he would be willing to sound proof the venue to resolve the issue peacefully.

Paul Martinez resides at the 270 McAllister Hotel. He added he was disturbed by the noise in font of the venue and only slept three hours a night. He added it was a wonderful café but should not be a disco hip-hop club at night and the space did not suit as disco dance floor because it's a café.

Thomas Peterson resides above the Soluna Café. He added noise was loud and there was a constant boom in his resident. He added and played five to seven days a week until 6:00 A.M. He added he talked to the owner and he addressed the problem for a short while and then it was back to business as usual. He added the venue had to do some serious soundproofing otherwise it was not worth living in there.

Alan Ramsey stated he was a resident in the building. He added his first experience with loud and thumping noise from the venue occurred July 30, 2004. He added he had difficulty sleeping and wore No. 32 earplugs. He added he and another tenant talked to the general manager and they were told the cafe had added sound muffling unit to reduce the noise. He added the other concerns were the hours of and were told the music would cease at 2:00 A.M. but it continued to be a problem. He added there was vomiting and loud noise in front of the venue. He added all the tenants were disturbed by the venue.

Martin Pagniano stated he was a promoter in the 90's. He added he resided in the building prior to the restaurant and there was never any problems with issues of

noise. He added ever since Soluna got their first permit there had been non-stop party city and was like living above animal house. He added he had meetings with management and got a lot of lip service. He added he was the one who recommended to management to put the velvet rope and the sign outside the venue. He added his recommendations were giving and the applicants never followed through. He added the past owners and previous owners have shown no respect to the tenants and the venue should be left a restaurant.

Gail Justice stated he had been a resident at the McAllister Hotel for 8 years. He added the music and congestion on the street after closing time was bad and he is awakened by the noise from the venue from 2:00 A.M. to 4:00 A.M. and he could feel the vibrations from the venue. He added the commission should add to the permit have some point where they mediate the sound level. He added the venue needed to be looked it terms of the Good Neighbor Policy because the residents feel the past and current owner do not practice the Good Neighbor Policy.

Emma Dero stated she was a tenant advocate and working with the McAllister tenants and it had been one of the biggest issues at the McAllister Hotel. She added the people feel the base coming into the floorboards late at night and are awakened by patrons talking loudly and drunk in front of the club. She added many of the tenants were seniors or disabled and it was a care not cash building and people deserve to live in peace, quiet and enjoyment. She added with the previous management there had been numerous attempts to try and resolve the problem and they met with the management and written letters and there was a petition with over 50% of the tenants signatures that the noise did affect them. She added there should be conditions applied to the permit for more soundproofing and a sound tech should come out to test the resident's apartments.

David Solis stated he lived above the club. He added he had been there for almost a year and it was outrageous. He added once the work crowd left the party starts. He added the crowds were loud and it was out of control.

Bill Gardner stated he was the acting program director of the McAllister Hotel. He added 80 people lived above the venue and heard noise and felt the vibrations from the venue. He added the new owner seemed to want to make changes and finding a compromise. He added the venue had an impact on many people that lived there.

Public Comment closed.

Commissioner Meko stated were the previous owners operating under a permit that the Commission granted.

Jocelyn Kane stated it was prior to the Entertainment Commission.

Commissioner Meko stated he still felt responsible as a Commissioner. He added he had been contacted by central city 5 or 6 months ago about the venue and passed it along to staff. He added it broke his heart to know the people had been enduring the noise issues for the past 16 months. He added if the Commission was to issue a permit the applicant should have conditions added that included that a sound test done at the hotel and preclude the applicant from anyone bringing in any outside sound systems to the venue. He added they should require a limiter to be put on the sound system to maintain the appropriate level of sound. He added once the applicant was done with the permit process it was not out of site out of mind if the Commission grant the permits with conditions the commission was responsible for following up to make sure the conditions were respected.

Commissioner Leong stated the applicant stated he had discussions with the management of the McAllister Hotel and that he had planned to have further meetings and if the meetings took place. He added the applicant should be complying with the request he agreed with the neighbors.

Mr. Navarro stated he did meet with a few of the residents and the suggestions were given of adding the sign and velvet rope to keep them on the far side of the building and the signs were put out at night and making sure the security guards uphold it. He added he would make sure the sign would stay there.

Commissioner Alan stated when Dean began his remodeling he told him about the requirements to get various permits and told him he must sound proofs his building otherwise he would have problems. He added he observed occurring as the business progressed the applicant would improve his sound system. He added the sound system that was testing was not the current sound system and there were a combination of problems the applicant had purchased and had to deal with. He added the soundproofing in the building would be very costly. He added once the sound test was done they would not allow him to have sound in the neighboring residents above and he would be required to control his patrons.

Commissioner Pred asked if the applicant aware of the noise complaints or was it new to him.

Mr. Navarro stated he was aware of the issue of noise complaints and realized more soundproofing had to be done. He added he was prepared to pay for more soundproofing and was waiting for the sound tech recommendations.

Chair Shlain stated there were conditions put on the applications and it was up to the residents to keep them informed. He added the applicant was responsible for complying.

Commissioner Meko moved to approve the application with the Good Neighbor Policy and with including and noise abatement sound check test inside hotel and a limiter to be placed on the sound system with no additional sound enforcement to be bought into the venue Commissioner Leong seconded the Motion.
VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner Lorin, Commissioner Joseph Commissioner
Leong and Commissioner Shlain
NOES - None

Butler, Anita, dba Fanatics Entertainment Complex, 601 Cesar Chavez, Place of Entertainment, Billiard Parlor, Ext. Hours Premises.

Bob Davis stated the applicant applied on September 29, 2005 for a place of entertainment, Billiard and Extended Hours premises for a new entertainment premise that is on Port property at the end of Cesar Chavez. He added the Port approved the venue for nighttime entertainment. He added staff received the recommendations from Bay View station and they recommended approval for a Place of Entertainment and Billiard only and issue them a trail. He added he called the applicant alerting them to their recommendations and the applicant recommended a continuance.

Commissioner Meko moved to continue
the permit to the call of the chair
Commissioner Leong second the Motion.

VOTE:
AYES - Commissioner Meko, Commission Alan Commissioner Pred Commissioner Lorin, Commissioner Joseph Commissioner Leong and Commissioner Shlain
NOES - None

3. Report from Executive Director

Bob Davis stated the applications for the Sound Tech position were in and a committee had been formed. He added Human Resources would be calling applicants to the interview for the position and the panel would consist of one person from Human Resources the Sound Tech from the Health Department and Jocelyn Kane and himself. He added Halloween in the Castro went well.

4. Report from the Legislative Committee.

Commissioner Alan stated it was post pone the meeting and there was noting to report.

5. Commissioner Comments and Questions.

Chair Shlain stated he would entertain point of clarifications when conducting the meetings.
Commissioner Meko stated the Bylaws spelled out the clarification of the meeting.

5. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings.
Nothing to discuss.

6. Adjournment. 7:38 P.M.

Respectfully Submitted by Crystal Stewart

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, November 15, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

SF
E81
#1
11/15/05

1. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a) **Quan, Mike, dba "Playbar," 101 6th Street, Place of Entertainment**

2. Report from Executive Director on the following: The status of Sound Tech. position & status of pending legislation. **[Discussion]**

3. Report from the Legislative Committee. Terrance Alan, (Interim Chair) on the following items: **Entertainment Law Reform Ordinance of 2005** – Review and recommend proposed changes of laws and ordinances that affect events and businesses permitted by the Entertainment Commission. **Legislative Updates** - Status of previous recommendations of committee. **Street Entertainer Permit** – Update by the Executive Director on a timetable to collect community input. **Ambient Speaker Permit** – Review and recommendations for proposed permit that will allow ambient music to be played outside of an existing business. **Amphitheater Permit** – Review and recommendations for a proposed permit for amphitheater style entertainment venue. **[Discussion]**

4. Report from the Executive Committee. Jim Meko (Chair). **[Discussion]**

5. Recommendations of Executive Committee and possible action to amend Commission procedures on the following items: 1) roll call procedures 2) to create protocol for tie votes in committee. **[Discussion and Action]**

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

6. Commissioner Comments and Questions.

7. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

8. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room 406 is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

November 15, 2005

MINUTES OF THE
November 15, 2005
City Hall, Room 406
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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COMMISSIONERS
Present

Audrey Joseph
Terrance Alan
Jim Meko
Bruce Lorin
Joseph Pred

STAFF
Present
Robert Davis, Executive Dir. and
Jocelyn Kane

Bowman Leong
Jordan Shlain

CALL TO ORDER

The Commission Chair called the meeting to order at 5:25 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Bruce Lorin, Jim Meko Joseph Pred Audrey Joseph, Bowman Leong and Jordan Shlain.

Absent at the time of roll call were: None

Staff present was, Robert Davis and Jocelyn Kane.

Public Comment

Kepa Askanasy stated he was amazed at the sound coming from SBC Park on Sunday. She added she never made a complaint before but the noise so bad it had a physical effect on her. She added she spoke to the Police Department and talked to 850 Bryant and then Southern station and then again with someone on Monday. She added in each case I was referred to the Entertainment Commission every time as well as the mayors office. She added the Commission would see the police response as such in this report. In the Entertainment Commission permit it instructs them to comply with the noise ordinance and the police responsibility to enforce. She added they had nowhere to turn on Sunday evening or Monday. Please put this issue on the agenda and we will see how it goes tonight and in the future to keep it from happening again.

Public comment closed.

Commissioner Meko stated his phone started ringing at 9:00 P.M. on Sunday night and didn't stop until 10:30 P.M. He added he agreed about the necessity of bringing world class acts to the city. He added he was concerned about two things, everyone was told the same thing by the SFPD that they could do nothing about it because the Entertainment Commission gave them their permit. He added he personally called Southern Station and was told the same thing. He added he told them the Entertainment Commission issued permits and the Police Department enforced them. He added it was a serious issue the Commission was running up against since the start of the Commission and recommended the Commission have a hearing just like we did with the badlands. He added seeing how this is on the radar he thought it should come before the commission from now on.

Chair Shlain stated he spoke with the Chief Fong today and they both recognized that we have to work out the kinks in our relationship between our departments. He added he would be working out a schedule to get this to happen. He added he spoke to the Mayors office too and the Commission's goal was to figure it out and the goal was to proactively figure things out and learn from the mistakes. He added and hopefully tonight they had modified the sound and speakers so that it did not happen in the future.
1. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.
a) Quan, Mike dba Playbar, 101 6th Street, Place of Entertainment

Jocelyn Kane stated the permit was a change of ownership and dba. She added the application got approval from planning and Southern station. She added there was some objection to the limitation of hours that came from the previous permit issued.

Eric Whitaker speaking on behalf of the applicant. He added the Operators were the owners in Loft 11 and came before the Commission about two years ago to get a Place of Entertainment permit and have had a chance to prove they are good operators. He added they applied to have entertainment every night from 8:00 P.M. to 2:00 A.M.

Public Comment
No public comment.

Commissioner Joseph stated there are lots of venues in this area and there are lots of them that go on until to 2:00 A.M. and later. I would recommend that they operate until 2:00 A.M.

Commissioner Pred stated he recalled deliberations on The Lit Lounge permit and it's striking to think about the history. He added he saw the hours of operation as a benign issue.
Commissioner Leong stated he was unclear about the applicant's security plan. He added would they be patrolling the outside the venue?
Mr. Whitaker stated the applicant planned on hiring door staff on Friday, Saturday and Thursday. He added the bar was small and if there were trouble outside they would go out doors.

Commissioner Shlain asked the occupancy space of the venue.

Mr. Whittaker stated it was currently 99.

Commissioner Joseph moved to approve Commissioner Leong second the motion and clarification to disregard hours of operation restriction recommended by Southern Station.
VOTE:
AYES Commissioner Meko, Commission Alan Commissioner Pred Commissioner Lorin, Commissioner Joseph Commissioner
Leong and Commissioner Shlain
NOES - None

2. Executive Director Report.

Bob Davis stated staff had a series of interviews and there were s that interviews and were 32 applications and Human Resources divided them into three categories and then we interview the qualified candidates. He added the interviews went well and they used the sound tech and media person from City Hall, Jocelyn Kane and Bob Davis scored them and the interviews went well. He added they would hopefully have a person on board in the next two weeks.

Chair Shlain stated what would the commission and staff do between now and then.

Bob Davis stated the Chief of police would check if Ed Anzore would be available when he is not on regular duty. He added he tried to get this arrangement earlier through Deputy Chief Shinn but failed. He added the chief said she would try and make it happen. He added in terms of legislation the Street Performer legislation is coming back via the Board of Supervisors. He added Stephen Dryfuss appeared before the land use committee to protest the Art Commission getting any new slots without street performers being considered. He added he met with Supervisor McGoldrick and Alioto He added the Port Commission would be holding its final hearing on five locations at the Warf that would represent the location that will test the Street Performer legislation. He added they hoped to have it come from the Port Commission them at the beginning of December and bring it back to the Board of Supervisors.

Commissioner Joseph stated what did he mean by testing the legislation on the piers.

Bob Davis stated if the street performer has amplified the sound he is in violation of the sound ordinance and created a crowd that exceeded public safety like people walking in the street he is a public nuisance. He added if a street performer is singing at a level that the police consider it to be a nuisance and they could issue a citation.

Commissioner Joseph stated San Francisco had a long and rich history of street performers at the Warf. She added it never seemed to be a problem and was positive for tourist and local residents and did not understand what they were testing.

Bob Davis stated it did not exist and the street performers were upset because they were not protected and could be removed from the street at anytime. He added unless there was some legislation that protected and permitted them then their rights is suspect. He added they asked the Commission to find a way to permit that will enable them to legally operate on the street and rotate location spot.

Commissioner Joseph how will this work with the anti-panhandling law or other laws that they may in violation of.

Bob Davis stated they would regulate muscians that have something to sale and would be required to get a business license and a sound permit and a lottery spot. He added a person that did not amplify sound had some level of first amendment rights. He added when they create a crowd and did not a set location there it was an issue and a public nuisance. He added they are looking at all the components to test this and see if it works at specific locations.

Commissioner Lorin stated was the new law going to prevent other entertainers from finding a location without amplification or 15 feet away from the permitted people. He added it seemed like the law would have to pertain something to prevent others from being close.

Bob Davis stated they could not stop them. We can only regulate the people who signed up for the program and on port property. We will work out the details as we go forward.

Commissioner Lorin Who make the final decision on the hire of the sound technician?

Bob Davis stated he made the final decision.

Commissioner Alan stated did the individuals he chooses include applicants from the previous group.
Bob Davis stated he could do that but he had to justify it and had to be really careful.

3. Report from Legislative Committee

Commissioner Alan stated the legislative committee did not meet so I will be brief. He added he would like input at this time from the Commissioners regarding what legislation they would like to move forward. He added this a formal request for input. He added they would be rescheduling a meeting.

Commissioner Lorin suggestion if we are going to pass any law that would restricts use of anything, there has to be teeth in there that will help law enforcement to be able to take action. He added there would be obvious disturbances and had to be in black and white. He added the Police have had a problem with this for years. He added panhandling was a problem some time ago and the police could not back it up. He added if the Commission was going to contribute to the law they had to put teeth into it.

Commissioner Joseph stated she wanted them to consider under permits, that she would like to see a specific way of dealing with public safety that we can deny a permit. She added they should add to the definition of what is the criterion to deny a

permit if something was a public hazard.

Bob Davis stated he believed that if the issue of public safety was more defined so it did not target the building but other aspects of public safety.

Commissioner Lorin stated as in when we had past performance of poor management and now they were changing venues or their permit under the law the Commission had no right to prevent them. He added there should revocation a process too.

Commissioner Pred The management versus the establishment should be the way to think of this issue.

Commissioner Joseph stated she would like to see the ambient speaker permit really move forward. We are not enforcing these or regulating these and they are all over the city and they are inconsistent and unfairly managed at this point.

Commissioner Pred stated since this is an ambient noise issue, this permit should be written as handled by administrative only and not something that comes to the commission.

Bob Davis stated they agreed and attempted before once working with Supervisor Peskin and he was working on process with them. A hearing should be allowed but should be under an administration process under normal circumstances.

Commissioner Alan stated they had one outside of their club and they got complaints about the type of music.

4. Executive Committee Report

Commissioner Meko stated the committee was concerned with policy issues and they were handled two issued that were minor and would bring them forward for a vote. He added the first recommendation was if they continued to take the roll call in the same order, this tends to make vote patterns occur. He added a lot of other commissions use a system of linier rotation to mix things up. He added the second recommendation was to create a procedure for a tie votes in committee. He added the idea is to keep the item on committee calendar for an additional meeting but if still tied, item would go to the full commission for a vote by all. He added third was what do they do with venues that were operating without a Place of Entertainment as one that has one. He added he was not recommending turning them in, we feel they should be handled in an administrative way and not by law enforcement. He added it was not fair to others that have permits. He added if they are not permitted, they are not within our jurisdiction but they should be. He added they have agreed to have the City attorney come in and explore how to pursue this. He added fourth was an item related to task tracking.

Chair Shlain stated wasn't it a police issue for unpermitted venues? He added are you saying that we don't want to turn them in to the police but we want them in compliance?

Commissioner Meko stated the police should be enforcing it. He added he was looking for a legal way to bring them into compliance and into our jurisdiction. He added the Department of Building Inspection does this via a citation and fine. He added the Commission did not currently have that ability but we'd like to.

Commissioner Joseph stated I have long been an advocate to empower our permit officers to administratively issue a fine. She added if she paid her permit fees all

those years everyone else should comply. She added it was a cost of doing business. She added if the venue is operating illegally as a Place of Entertainment the San Francisco Police Department should shut them down, period. She added the permit officer should have the right to issue something and anything you could do to move that process forward would be great.

Commissioner Lorin stated it was a public safety issue and Building, Electrial, Public Health and the Fire Department had not inspected places without permits. He added if something happened and the Commission knew about it we could be negligent.

Commissioner Joseph stated why don't the police did not enforce it and shut down unpermitted venues and restaurants that had rock bands at night? She added the San Francisco Police Department was totally unresponsive.

Captain O'Neill, San Francisco Police Department. He added stated the venue is subject to citation and he did not know the particulars of the facts surrounding the particular incident and if she forwarded the info he would make sure it would get to the commanding officer. He added these types of citations were not prosecuted by the District Attorney and were sent over to community dispute services and sometimes fines were assessed. He added they might recall where the police arrested venues turntables and there was great umbrage taken with that. He added there are other measures that could be taken if they did not have a permit. He added the premise should be shut down and in the past they taken equipment.

Commissioner Joseph asked can't the police shut the place down?

Captain O'Neil stated police can seize equipment but supervisors would be reluctant to that for a variety of reasons. He added he would strongly encourage the San Francisco Police Department to take measures with issuing citations. We can use code enforcement to put the fear of God into them.

Bob Davis stated he believed that the administrative direction that Commissioner Meko is investigating would be the most effective. He added like the Building Department, it would be better to fine someone every day that you operate without a permit the fine increases.

Captain O'Neil stated if the Fire Department hasn't inspected the venue they could shut the place down and Police Department needed to be educated in that regard to work closely with Fire Department.

Commissioner Lorin stated they could physically arrest the proprietor after a first offense and citation. He added it was a good idea to administratively enforce the law. He added they had to be really careful when they went into a bar that was crowded and in operation because someone could get hurt.

Bob Davis stated we don't want to have this happen onsite. The clock is ticking on the dollars like a taxicab.

Commissioner Meko stated this was why we have an Executive Committee so the Commission did not get bogged down in the long policies. He added everyone should attend the meetings so that their input can be had in committee meetings.

Commissioner Pred stated the concept of task tracking was they had an incredible brain trust in the core staff members that currently exist and as the department grew and developed and one of the staff members was out of the office key data regarding a particular venue or process that was accessible so that no one was reliant on one

individual. He added there are already some current tools being used by staff (white board) and we are going to look into some greater tools for tracking key data.

Commissioner Alan stated one of the larger goals was always to have an online tracking of the status of each permit. He added he would like to add that to the mix if possible.

Commissioner Joseph stated she thought it was a brilliant idea. She added when you put on an event you do task tracking to know who is doing what in a project of scope.

Public Comment
No public comment.

Commissioner Lorin moved to approve that the roll call to be taken in linear rotation, a random method of taking the roll call. Commissioner Alan second the motion.
VOTE:
AYES - Commission Alan Commissioner Meko, Commissioner Pred Commissioner Lorin, Commissioner Joseph, Commissioner Leong and Commissioner Shlain
NOES - None

Commissioner Alan stated that when there was a tie vote in any committee that the item is returned for one more try and then go on to the full Commission meeting without recommendation for resolution.

Commissioner Pred stated they discussed this and the reason they suggested it this way first because it was a way to handle absent members. He added sometimes its just that the committee needs more time to discuss and educate themselves before things were brought to the full commission He added he would recommend the vote to fail and have it go through as proposed by the Executive Committee.

Commissioner Alan stated the Commission hearing would be the second opportunity and it would keep things moving along. He added his motion was meant to move things faster and that is all.

Commissioner Meko stated he was a little surprised at this reaction from both former members of the Executive Committee particular President Shalian and the most impressive thing about the Executive Committee was how hard they worked to achieve consensus. He added there was not a single item that came out of the Executive Committee without recommendation.

Public Comment
No public comment

Commissioner Alan moved to approve when there is a tie vote in any of the committees the agenda is brought back to the committee without recommendation for one more chance to see if a majority
Commissioner Leong second the motion.

VOTE:
AYES -
NOES - Commission Alan Commissioner Meko, Commissioner Pred Commissioner Lorin, Commissioner Joseph, Commissioner Leong and Commissioner Shlain

Motion fails.

Public Comment

No public comment

Commissioner Lorin moved to approve
the Committee to keep the item for another meeting and if they hit impasse
they will bring it to the full Commission
Commissioner Leong second the motion

VOTE:
AYES - Commission Alan Commissioner Meko, Commissioner Pred Commissioner Lorin, Commissioner Joseph, Commissioner Leong and Commissioner Shlain
NOES - None
6. Commissioners Questions & Comments

Commissioner Alan introduced a delegation that has come from Seattle Washington to observe the Entertainment Commission process to take back with them the do's and don'ts of what they observed. He added they spent the day together representing the Mayor's office of Seattle is Jordan Royer and repressing Film and Music is James Keplus and from the Seattle Police Department is Lt. Ron Wilson and the Fire Department Captain Darnell Factory. He added a task force was being put together.

Mr. Royer stated he worked for the Mayor of Seattle and they were overwhelmed. But had learned that we have no regulations on clubs in their city. He added they are looking at what a lot of cites were doing and their issues are very similar to San Francisco's. He added they are putting a task force together made up of neighbors and owners and police. He added Terrance Alan has been fantastic for informing them. He added they are overloaded but really appreciate all the time the Commission has taken with them.

Commissioner Joseph stated she was frustrated with San Francisco Police Department for the fact they take away our only way of doing a sound test so the Commission can give people permits in a timely fashion was a drag. She added for SFPD to tell all the people that they cannot enforce the sound ordinance because the Entertainment Commission issued a permit. She added she found it difficult to believe that San Francisco Police officers don't know this, and it was like they were doing it on purpose. She added the Commission had to get a directive from the police chief to every station captain. She added they needed to have a meeting because it was no longer the permit officers. She added to dismiss citizen complaints and put the onus on the Commission was ridiculous.

Bob Davis stated he had spoken to the chief four or five times over the last two days. He added they have reached a clear understanding of what the responsibility of the police. He added today we have been on the phone with Police Department and they have been in instructed on how they are supposed to respond as it relates to those kinds of noise complaints. He added they would start with SBC Park. He added he felt she was listening and they will wait and report on the progress.

Commissioner Lorin stated Commissioners first point on SFPD withhold their services; as far as a sound technician the Commission has been in affect for over two years, shame on the Commission for not having a sound technician. added Officer Anzore was the only one who was trained to do the sound checks. He added he spoke to him and he said he would try and do it on overtime. He added the Executive Director talked to the Chief and its up to the Commission to disseminate the word throughout the Police Department on what they wanted it was up to the chief of police to tell her officers what their duties were. He added the Commission should give her a chance to see if she can make things work.

Commissioner Joseph stated there was a Media Policy set and would like to see it

reduce it to writing. She added they have all have been approached by media today and when they spoke as a Commission they need to speak in unison about issues. She added they must enforce the media policy.

Bob Davis stated all media has been coming to the office. He added it was s easy to find him and Jocelyn Kane gives out his cell number to the media.

Commissioner Joseph stated they need to make sure that they all speak through the Executive Director on issues. Its different if you are speaking on an issue as an individual.

Bob Davis stated the policy is to protect the commissioners in case their were items they had to vote on.

Commissioner Alan stated The Commission could bring back the media policy and have Crystal redistribute it to the Commissioners so that it was fresh in everyone's minds. He added he a has been asked my Supervisor Mirkarimi to attend what he thought was a informal meeting regarding his efforts to create a Mardi Gras west. He added it the idea was going to bet some legs and wanted to advise the Commission as ask for their guidance with regards to participating in Supervisor Mirkarimi's desire to create Mardi Gras west and Fat Tuesday and a parade in the Fillmore as part of the incentive and economic revitalization of the Fillmore jazz district. He added there other people on the commission on the commission more knowledgeable on these types of events. He added he would let everyone know when the meetings would be held and encourage everyone who would like to attend. He added the event would occur the last weekend of February on fat Tuesday.

Bob Davis stated within the African American community the revitalization of the Fillmore through the jazz district and Redevelopment Agency was spending some of their capital to finally bring economic redevelopment in conjunction with Housing that was done over a 20-year span. He added it was one plan that the African American community was behind the supervisor in trying to move forward. He added it had it a lot of pitfalls and welcomed the Commission's participation in keeping an eye on the event. He added there were some things that could go awry. He added the community wanted to see the event to take place. He added having Commissioner Alan available for the meetings was welcomed on their part.

Commissioner Meko stated his recollection on the media policy was that no one appeared to be expressing that they are speaking for the commission as a whole. He added they had First Amendment rights and they were entitled to talk to anyone they chose. He added if they got off into the territory of expressing opinions and things, which could come before the Commission later it would be the Commissioner and their lawyer and their conscious. He added he cautioned the Commission to recommend a gage order.

Commissioner Pred stated when the commission was founded they received binders with policy information and felt it was important when policy was codified and released it should be our responsibility as Commissioners to keep our policies on hand. He recommended keeping the policies on hand. He added they often talk about police action and sound complaints and possibly lack of action. He added his experience with public safety was when a call was dispatched within law enforcement it was a call priority. He added it would be interesting for the Commission to learn the call priority that SFPD functioned under, so that the Commission could better understand why certain issues may or may not be addressed as part of the big picture. He added through the chair he hoped they could make a request of Captain O'Neil to present the information at a future hearing. He added based on his prior experience as an EMS captain and his current experience as a industrial chief, working

in a mutual aid environment defined as many different agency having to work together to attain a unified goal he was seeing the role of the Entertainment Commission and the role of SFPD as a us versus them mentality possibly on both sides of the fence. He added he found that in his professional experience in a variety of venues that when people came together under task forces and other ways of cooperative collaboration that results occurred much faster. He added he recognized the process and there was a chain of command but strongly urged the Commission to consider creating a working task force that in addition to the efforts already in place helped both sides understand the issues to create a mutual result.

Commissioner Leong stated he served on a non-profit board, and one of the things they handed out to their trustees was a booklet that contain bylaws and their contact information and might be helpful to the Commission to have a thin set of reference materials.

7. Discussion of items for future agendas

Commissioner Meko stated he requested that the president to agendize a special hearing at the next meeting of the Commission to allow the general public to express their concerns about SBC park. He added he would like the opportunity to discuss whether permits like this should come to full commission and not be saddled on staff entirely. He added the Commission did very well at the badlands and keeping with the notion of public governance, I don't think its fair that all the response is done by a phone call and back channels and by staff only. He added he thought it would responsible to give the general public a chance to give us their opinion.

Chair Shlain stated the Executive Committee should hold the hearing and Commissioner Meko could report the feedback to the entire commission.

Commissioner Lorin stated loudspeaker permits were a first amendment right and the only thing they could regulate was place, time or manner. He added he agreed that both SBC Park and Monster Park should come to the commission to let the public have their input or have an individual hearing on each location to find out if they were suitable to have loudspeaker permits and what and what restrictions should be placed on these locations. He added the SFPD did it in the past on certain locations, like Market and Powell and decided that amplified sound was not allowed on that location.

Chair Shlain stated they would not add it to the main agenda until the received a report from the Executive Committee and then will agendize it on the agenda as a report to the full Commission.

8. Adjournment 6:50 P.M.

Respectfully submitted by Crystal Stewart and Jocelyn Kane

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, December 6, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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12/6/05

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

Brief presentation from Ann Brennan, with the San Francisco Rape Trauma and Recovery Center, and Bernice Casey with the Department on the Status of Women speaking on behalf of the Task Force on *Whose Watching Your Drink?!* Campaign to enlist members of the Entertainment Commission to work with them to educate bar/club owners and their staff.

Consent Calendar:

CONSENT CALENDAR

All matters listed hereunder constitute a consent agenda, are considered to be routine by the Entertainment Commission and will be acted upon by a single vote of the commission. There will be no separate discussion of these items unless a member of the commission or the public so requests, in which event the matter shall be removed from the consent agenda and considered as a separate item **[Action Item]**

Aloiau, Mark, dba" Encore Karaoke Lounge," 1550 California, Billiard Parlor/Mech. Amusement Device.

1. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Hsu, Howard, dba "Club Q," 61 Golden Gate/1028 Market Street, Place of Entertainment/Ext. Hours Premises/Billiard Parlor.**

b) **Prieshoff, Matt, dba, "Cobb's Comedy Club, 915 Columbus Ave., Place of Entertainment.**

c) **Anderson, Dan, dba "Midnight Sun," 4067 18th Street, Place of Entertainment.**

d) **Scully, Peter, et al, dba "Tongue and Groove, 2513 Van Ness Ave., Place of Entertainment.**

e) **Miles, John, et. al, dba "Mojito" 1337-1339 Grant, Place of Entertainment.**

2. Report from Executive Director on the following: The status of Sound Tech. position and SBC Park **[Discussion]**

3. Report from the Legislative Committee. Terrance Alan, (Chair) **[Discussion]**

4. Report from the Executive Committee. Jim Meko (Chair). **[Discussion]**

5. Commissioner Comments and Questions.

6. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

7. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

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accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
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mended

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c) **Anderson, Dan, dba "Midnight Sun," 4067 18th Street, Place of Entertainment.**

d) **Whiteside, Annie, dba "Annie's Social Club," 917 Folsom St., Place of Entertainment.**

e) **Scully, Peter, et al, dba "Tongue and Groove, 2513 Van Ness Ave., Place of Entertainment.**

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, December 6, 2005 at 6:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

2nd **AMENDED**

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Call to Order and Roll Call.

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mended

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

Brief presentation from Ann Brennan, with the San Francisco Rape Trauma and Recovery Center, and Bernice Casey with the Department on the Status of Women speaking on behalf of the Task Force on *Whose Watching Your Drink?!* Campaign to enlist members of the Entertainment Commission to work with them to educate bar/club owners and their staff.

CONSENT CALENDAR

All matters listed hereunder constitute a consent agenda, are considered to be routine by the Entertainment Commission and will be acted upon by a single vote of the commission. There will be no separate discussion of these items unless a member of the commission or the public so requests, in which event the matter shall be removed from the consent agenda and considered as a separate item. **[Action Item]**

Aloiau, Mark, dba" Encore Karaoke Lounge," 1550 California, Billiard Parlor/Mech. Amusement Device.

1. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a) **Hsu, Howard, dba "Club Q," 61 Golden Gate/1028 Market Street, Place of Entertainment/Ext. Hours Premises/Billiard Parlor.**

b) **Prieshoff, Matt, dba, "Cobb's Comedy Club, 915 Columbus Ave., Place of Entertainment.**

c) **Anderson, Dan, dba "Midnight Sun," 4067 18th Street, Place of Entertainment.**

d) **Whiteside, Annie, dba "Annie's Social Club," 917 Folsom St., Place of Entertainment.**

e) **Scully, Peter, et al, dba "Tongue and Groove, 2513 Van Ness Ave., Place of Entertainment.**

f) **Miles, John, et. al, dba "Mojito" 1337-1339 Grant, Place of Entertainment.**

2. Report from Executive Director on the following: The status of Sound Tech. position and SBC Park **[Discussion]**

3. Report from the Legislative Committee. Terrance Alan, (Chair) **[Discussion]**

4. Report from the Executive Committee. Jim Meko (Chair). **[Discussion]**

5. Commissioner Comments and Questions.

6. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

7. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

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City and County of San Francisco
Entertainment Commission

December 06, 2005

MINUTES OF THE
December 6, 2005
City Hall, Room 406
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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COMMISSIONERS
Present

Audrey Joseph
Terrance Alan
Jim Meko
Bruce Lorin
Joseph Pred

STAFF
Present
Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart

CALL TO ORDER

The Commission Chair called the meeting to order at 6:14 P.M.

ROLL CALL

Bob Davis called the Roll.

Present at the meeting were Commissioners Bruce Lorin, Jim Meko Joseph Pred and Audrey Joseph.

Absent at the time of roll call were: Jordan Shlain and Bowman Leong

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

Bob Davis introduced the Commission's new sound technician and field person Vajra Granelli.

Vajra Granelli stated he was the new field technician for the Entertainment Commission. He added his background was in special uses and permits, sound and law enforcement for the National Park Service with the Federal Government. He added he was a graduate from the Federal Law Enforcement Academy and he looked forward working for City of San Francisco. He added he was proud to serve the City and look forward to helping everyone.

Vice Chair Joseph stated the minutes would be skipped for the hearing because they were not agenized.

Bob Davis stated the agenda called for a brief presentation from the San Francisco Recovery Center and they were not able to attend tonight and it has been rescheduled for January 17, 2005.

Consent Calendar item

Public Comment
No public comment.

Aloiau, Mark, dba" Encore Karaoke Lounge," 1550 California, Billiard Parlor/Mechanical Amusement Device.

Jocelyn Kane stated in the spirit of trying to use the consent calendar ass the Commission directed staff she included the permit application, however in the meantime the applicant realized after hearing from Planning that they needed to go through conditional use authorization for his billiard parlor Mechanical Amusement Device and asked the Commission continue the item until further notice.

Public Comment
No public comment.

Commissioner Alan moved to continue the item until further notice from staff Commissioner Lorin second the motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan, Commissioner Joseph and Commissioner Lorin
NOES - None

Vice Chair Joseph stated she wanted to bring attention to the Commission an item in Robert's Rule of Order. She added it had been the Chair could not move and make a motion and in checking Roberts Rule of Order the Chair can make a motion as any other member.
Commissioner Meko stated without knowing the item was coming up and not being able to review all the Bylaws was it addressed in the Commission's Bylaws.

Vice Chair Joseph stated it was just common practice from Robert's Rule of Order.
1. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

a) Hsu, Howard, dba "Club Q," 61 Golden Gate/1028 Market Street, Place of Entertainment/Ext. Hours Premises/Billiard Parlor.

Bob Davis stated the item was before the commission two meetings ago and was continue. He added staff got a call from Mr. Hsu and attorney requesting a continuance. He added staff had no further motion on recommendation. He added the previous recommendation was to deny.

Mark Rennie stated he was the attorney representing Club Q. and Hollywood Billiards. He added approximately one month ago the matter was before the commission and had been trailing so long Scharod's Law and there was no security plan. He added on November 14, 2005 they emailed the Entertainment Commission staff a security plan. He added since that time his client had a number of outstanding health and safety issues at the club. He added tin the last six months they filed eight Building and Electrical permits and a number of them had been signed off. He added in terms of the actual permit application everything had been signed off except for the building department, which is requiring an automatic garage door opener. He added the issues that initially brought the building department there had been settled. He added there was a issue with the City attorney and because the building inspector has not signed off on the final permit they would request the matter be continued to the call of the chair until his client had a chance to complete all the life safety issues that were before the City attorney and the Building Department.

Commissioner Alan stated there were some members of the San Francisco Police Department who were present to testify and should be able to speak.

Public Comment

Officer Mike Torres stated he was present to represent Captain Cathy Brown with the Tenderloin Police station. He added last month at the hearing the Commission the persistent of the Commission ordered Mr. Hsu to reframe from having any events at his venue especially, entertainment, dancing Dj's. He added on November 19, 2005 he had an event, which was in violation the Commissioner's order. He Lt. Michael Flint was present to testify.

Lt. Michael Flint stated he was assigned to the Tenderloin Police Station, at 301 Eddy Street. He added on November 19, 2005 he received a call from Mr. Howard Hsu and informed him that he would be having an event at his club. He added Mr. Hsu described the event as a birthday party, which would be a private party although the bar in his establishment would be open to the general public. He added Mr. Hsu stated he would have no entertainment and it would be a young crowd and the event would go approximately from 10:00 P.M. until 2:00 A.M and he would have security personnel on scene. He added he asked would he be charging a cover charge entry and he said he would not charge for the event but there would be someone at the door collecting donations to help offset the cost of the rental of his venue for the birthday party honoree. He added at about 11:45 P.M. he went to do a premise check. He added there were people waiting in line to get in and there was security on scene and were checking identifications and pat searching the entrance. He added he met Howard and went to the top of the stairs there was a ticket window with another line of people standing at the ticket window. He added above the ticket window was a sign printed on paper "General Admission $20.00." He added there was no sight collecting donations and there was no sign stating it was a private birthday party. He added when he entered the club there was loud amplified music playing and people were on the dancing on the dance floor and single woman were dancing by themselves on elevated platforms in front of the stage. He added he went to were the music was coming from and there was a person sanding there with music equipment. He asked if he was a DJ and he said yes and quickly added he was not being paid for the event. He added he had Mr. Hsu accompanying him to his business office and explained what he saw. He added Mr. Hsu produced a copy of Section 1060 of the MPC, which outlined all the definitions for what was required for a Place

of Entertainment. He added having these set of circumstances he was operating outside the perimeters of a permit and issued him a citation for violation of 1060.1 of the MPC and wrote a police report.

Vice Chair Joseph stated the Commission was in procession of the declaration under the penalty of perjury by him outlining the events. She added was it something he received and signed it.

Lt. Michael Flint stated it was something he received from Ms. Neli Palma from the City Attorney's office from. He added he read it and faxed it back to her office.

Officer Torres stated he would like to call Lt. Edmund Coda who was also a Lt. at the Tenderloin Police station. He added he was involved in investigating two incidents that occurred on December 31, 2004 New Years Eve and February 18, 2005. He added both incidents involved over crowding in Mr. Hsu establishment.

Lt. Ed Coda stated he was previously assigned to the Tenderloin Task Force and now currently assigned to the tactical division. He added he had several run in's and 61 Golden Gate involving overcrowding. He added on January 31, 2004 he brought the Fire Department out to assess the overcrowding. He added Mr. Hsu permit at that time currently listed 250 capacity and he was in excess of 250 one estimate was 268 and security said over 400. He added the Fire Department came out and issued citations for other violations for not having fire exits posted and was also sited for the permit violation at that time. He added on February 18, 2005 at 11:25 P.M. he responded to call with Sergeant McEachern to do a permit inspection and upon arrival they observed approximately 100 people waiting in line to enter 61 Golden Gate. He added he spoke to the doorman who was keeping track of the admittance and he told him there were approximately 486 people inside the club. He added he contacted Mr. Hsu and asked him to produce his Place of Entertainment Permit he showed it to him and the occupancy said 250 people. He added he told Mr. Hsu previously on New Years Eve to have it reevaluated because he was doing work on the inside of the place to have the occupancy number raised and it had not been done. He added he had one of his officers call the Fire Department and then contacted the San Francisco Battalion Chief to investigate the excess occupancy he walked through the club inspected the permit and cited Mr. Hsu on violating Fire Code Section 2501.16.3 overcrowding and exceeding the permit. Mr. Hsu had been given several opportunities to respond and had been given advice on how to proceed and he chose not to do it.

Officer Torres stated having addressed some of the issues that had occurred at the establishment Captain Cathy Brown request the disapproval of the three permits the applicant was applying for.

Public Comment

Bret Vaughn stated he was the Director of Property Management for community Housing Partnership. He added he represented the 58 households that were directly attached to Mr. Hsu venue. He added they had come before the Commission before in the matter. He added Mr. Hsu made some promises to do some sound testing and soundproofing of the business at that time at some of the Commissioners request and his own offering. He added Mr. Hsu stated the only testing that had occurred had been done by the Police Department. He added they did not have a problem or opposition with businesses in their neighborhood that want to make a profit or operate in a legitimate way but the venue had been operating without a permit and without the authorization of the City and County of San Francisco. He added the tenants are disturbed by the noise and one tenant had to call repeatedly to make sure the sound is turned down.

Wayne Shaw stated he was a tenant next to the venue. He added the venue was an attraction for the people on the street to urinate and defecated near their residents and they were the ones that had to clean it up. He added there were drug deals going on near the venue and there were no maintenance and noise issues.

Mr. Joseph Fiera stated he was a tenant and complained every week because of the noise and vibration coming from the venue and he could not sleep. He added it was his residents and he had been there for eight years and contacted Mr. Hsu but he did not seem to listen with his issues of noise coming from his venue.

Captain O'Neil, Police Department Support
Services Division. He added the establishment had been problematic. He added there were shootings assaults in the club and fights that break out outdoors. He added in hearing from the neighbor's total disregard for the peaceful enjoyment of the their premises and lack of response to their complaints and a total disregard for public safety and fire code violations and total disregard for the Commission's instructions not to conduct entertainment. He added it suggested to him should they be given the permit there was no indication they have any intentions to abide by the provisions in the Good Neighbor Policy. He added Commissioner Lorin stated it was very difficult to take a permit back in this particular situation there had been many members of the public that had attended the hearings members of the Police Department and was an interest to the community at large. He added council should have notified the Commission of the request to postpone the hearing in advance instead of having everyone attend the meeting and then continue the item and offered these as considerations for the Commission.

Public comment closed.

Vice Chair Joseph asked when the permit first came before the commission.

Jocelyn Kane stated July of 2004.

Vice Chair Joseph stated the Good Neighbor Policy was being violated and the applicant was instructed at the last Commission hearing instruct the applicant to not conduct entertainment. She added the applicant was in violations and she would vote against the permit.

Commissioner Lorin stated as a law enforcement representative he had complained for two and a half years that the Police Department needed to do their homework and make an arrest. He added they did it in this case. He added the applicant was ignoring instructions from the president of the commission.

Commissioner Meko stated Municipal Police Code Sec. 1060.2 provides a permit may be suspended if the building structure or location of the proposed entertainment did not comply with or failed to meet all of the health, zoning and fire requirements or standards of the laws of the State of California or ordinance of the City and County of San Francisco. He added the establishment had been operating in a manner that harmed the public health safety or welfare by significantly increases pedestrian traffic, the incidents of disorderly conduct and the level of noise in the area. In which the premises are located. He added the permittee had failed after being requested by the Police Department and Entertainment Commission to take reasonable steps to elevate these conditions. He added tot he it did necessarily apply because the applicant did not have a permit and asked how would the Commission respond.

Bob Davis stated he and Commissioner Joseph meet with the City Attorney to

determine whether or not there was sufficient language Section 1060.1 and 2 in order to deny a permit. He added the two City Attorney's Dorji Roberts and Virginia Dario Elizondo stated based on the testimony after the fact there was evidence shown and public testimony that there was noise, public safety issues and violations of the law.

Public Comment

Howard Hsu stated the date that Officer Torres and Lt. Flynn were referring too was November 19, 2005. He added it was in fact a birthday party for Tron Tran. He added Lt. Flynn stated he went to the person that was at their in house CD player and asked the gentleman if he was a DJ. He added he was present at the venue to put on records for his friends birthday and did in fact say he was not being paid. He added under Section 1060 the definition of entertainer was one who was compensated for his or her performance. He added in that regard he was not going against the Commission and spent the week going back and forth with the Commission staff as to exactly how entertainment was defined and as it stand all he was issued was citation and there was no verdict and has not gone court and they had not had a chance to present their side of the case. He added all they heard was the Police testimony outside of a court of law.

Commissioner Lorin stated his justification of denying the permit was not from that evening but from statements made by residents in the area complaining about the admissions of noise. He added there was also a copy of general admission of $20.00 dollars to a birthday party and asked the applicant was that normal.

Mr. Hsu stated the proceeds did not go to him.

Mark Rennie stated his understanding of the motion had to do with sound and he thought that staff would confirm that it had already been passed by the city of San Francisco.

Commissioner Lorin stated regardless there were complaints of noise and therefore whatever the applicant passed wasn't adhered the evenings complained about.

Howard Hsu stated he did not feel he had been given the adequate opportunity to explain his side, whereas everyone has been given their opportunity to say the various reasons to deny his permit. He added he was familiar with Mr. Sierra and he had called him in past for noise complaints. He added the fact he stated he called twice a weekend was absolutely false. He added he received phone calls from Mr. Sierra from 3:00 A.M. complaining about noise from venue when they were not operating and there were noise complaints in the area that had nothing to do with his venue. He added he brought in a sound company to do the sound test in and around the building. He added Eddy Anzore came in to do a sound test and they passed their entire sound tests. He added it was a noisy neighborhood.
Commissioner Pred stated he would be interested in hearing from the Commissioners that represent the industry on what their experience was how most venues operated when their was a private party. He added it was his understanding that they did not display signs or offer the general admittance and wanted clarification.

Commissioner Alan stated he could not speak to the code defined for a public or private event. He added the ABC did not differentiate between a public or private event. He added there were private events and the signs would not be for general admittance and would be for donations.

Vice Chair Joseph agreed with Commissioner Alan. She added if it were a private event tickets were sold in advance and were sold as donations. She added a public

event was open to the public were anyone could walk in the door.

Commissioner Lorin moved to the deny the permit based on Police Code Section b1060.5 based on the admission of noise Commissioner Meko second the motion.

VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan, Commissioner Joseph and Commissioner Lorin
NOES -

b) Prieshoff, Matt, dba, "Cobb's Comedy Club, 915 Columbus Ave., Place of Entertainment.

Jocelyn Kane stated the applicant was Bill Graham Presents applied for a Place of Entertainment after purchasing Cobb's Comedy Club and left the name the same and would run the venue same as in the past. She added it was a change of ownership and the applicant also ran the Punch Line Comedy Club. She added the application had received approval from City Planning and Central Station and with conditions. She added there was no opposition of the applications and staff recommended a conditional grant.
Public comment
No public Comment.

Commissioner Alan moved to approve Commissioner Pred seconded
VOTE:
AYES - Commissioner Meko, Commissioner Alan, Commission Pred, Commissioner Joseph and Commissioner Lorin
NOES - None

c) Anderson, Dan, dba "Midnight Sun," 4067 18th Street, Place of Entertainment.

Jocelyn Kane stated it was one of a number of applications the Commission had been seeing over the past few months relevant to the legislation the Commission passed in the Castro to bring all the Places of Entertainment that had been operating for sometime into compliance with permits. She added the applications had been approved by Mission station without any conditions and staff recommended conditional grant.

Commissioner Alan asked how did it feel to the applicant as a business owner sitting in the audience knowing that for 35 years he had operated in violation of city law and he just watched the Commission vote down someone that had been in violation in City law. He added the applicant's comments would be interesting to hear.

Dan Anderson stated he was the General Manager and has worked there for 15 years. He added the first time he heard the permit was applicable to them because they had a live person providing the entertainment was a year ago and was not aware they were not in compliance with the law until that time. He added speaking with a number of other business owners in the area it seemed quite a few people were not aware of it. He added a lot had been done on the Commission's part to help get people up to speed. He added now they could follow the letter of the law and be in compliance.

Public Comment
No public comment.

Commissioner Alan moved to
approve Commissioner Lorin
second the motion.
VOTE:
AYES - None
NOES - Commissioner Joseph, Commissioner Pred, Commission Alan, Commissioner Meko and Commissioner Lorin

d) Whiteside, Annie, dba Annie's Social Club, 917 Folsom Street, Place of Entertainment/Billiard Parlor

Jocelyn Kane stated the application was submitted on November 3, 2005 for a Place of Entertainment & Billiard Parlor at this location South of Market. The location has been CW Saloon and most recently, Cherry Bar. Applicant is the owner of Annie's Cocktail Lounge for many years. There are letters of support in the file from a neighbors and a business owner. She added the application has received approval from Planning and SFPD Southern Station with conditions. She added staff recommends conditional grant of this permit.
Mark Rennie stated he represented Annie's Social Club. He added it has been an entertainment venue since 1982 and was below a 50-room SRO hotel. He added in 2000 there was intensive sound work done and he was present for the sound test. He added Ms. Whiteside had shown herself to be a good operator and would a positive addition to the south of Market entertainment scene. He added all the partners were present if there were questions.

Commissioner Lorin asked have the sound complaints been resolved from the residents of the CW Hotel.

Ms. Annie Whiteside stated she spoke with the tenants in the hallway and they were very interested in complying with any of their complaints. She added when they first opened the place they were planning on putting more soundproofing before the sound tech came in. She added they willing to work with the residents any way they could.

Vice Chair Joseph stated there was a complaint about noise from the from the ice machine compressor.

Commissioner Alan stated they could be located on the roof.

Bob Davis stated the Commission wanted to make sure all elements of noise were handled. He added any fixed objects were handled by the Health Department and not by the Commission as it relates to noise and the applicant should be referred to the Health Department.

Public Comment

Jeff Richard stated he has been a resident at the CW Hotel for three years lives directly above the stage and from hear the band all night long from 8:00 P.M. until to 2:00 A.M. and the applicants needed to do some soundproofing.

Vali Brown stated she had been a resident in the South of Market area for a long time and Annie had always been involved in the community if residents would come to her with noise issues and she would always listen and tried to work with them. She added she was active in cleaning the front of her venue. She added she supported her and felt she would be a good neighbor because she participated in the community as a businessperson.

Barbara Lopez stated she was from Tenderloin Housing Clinic a tenant rights coalition. She added there were 34 tenants who signed a petition and they were present today about the noise. She added they were optimistic and hopeful about the new owner. She added they saw it as an opportunity to bring about issues that had been going on in the hotel for the past for years. She added he noise had been going on for a long time and there were residents that had been living there for the past 21 years in the hotel. She added there main concerns were about the noise and the tenants were willing to work with the sound tech on the noise leeks. She added the ice machine noise needed to be addressed. She added the applicant should have bigger containers for her garbage because there is a problem with mouse infestation. She added they spoke with the applicant about detouring the nuisance issues and welcomed the commission's suggestions.

Vice Chair Joseph stated the applicant could request bigger dumpster and they would deliver it and she could schedule the pickup days. She added she should talk to them about other options.
Larry Whitney stated he resided at the resident for the past 21years. He added there was an over flow of water that went into the building a fed to rodent problem. He added he would like to see this issue address this issue.

Public comment closed.
Commissioner Meko stated it was very important to direct the new sound technician to work with the Tenderloin Housing Clinic and seemed to be a good link and could identify the areas in the building were the sound checks needed to be made. He could almost accept the conditions from Southern.

Commissioner Alan stated he walked by the CW Hotel several times a week and cautioned the new owner to go into it with their eyes wide open and understand what a appears to be a complex sound problem that the previous owner put a considerable amount of money towards solving and was unsuccessful in containing all of the sound. He cautioned the new owner of the potential expensive retrofit to contain the sound.

Public Comment
No public comment.

Commissioner Lorin moved to conditionally approve Commissioner Alan second the motion with the Commission's standard conditions.

VOTE:
AYES - Commissioner Joseph, Commissioner Pred, Commission Alan, Commissioner Meko and Commissioner Lorin
NOES - None

e) Scully, Peter, et al, dba "Tongue and Groove, 2513 Van Ness Ave., Place of Entertainment.

Jocelyn Kane stated it was a new ownership of an existing place of business. She added the applicants were present to let the Commission know if they were going to change anything with the venue. She added the application had approval from City Planning without restrictions of hours of operation. She added the approval from Northern recommends conditions as same as the previous owners which limits entertainment to 1:30 A.M. She added there were issues of sound abatement relative to the previous owners operations. She added staff recommends a conditional grant.

Shaw Amirghassemkhany stated he was present with Peter Scully and David Shardon who were members of the LLC that would take over Tongue and Groove Bar. He

added that they would continue the tradition of the place of Entertainment under their name and want to continue the traditions of the venue. He added they had combined almost 20 years of experience of event planning, bar and nightclubs. He added they understood there as a sound test done and were eager to start working with the landlord to minimize the issues of noise. He added they were putting together a budget for their soundproofing cost. He added there were a couple of complaints of noise complaints, cigarette butts and urinations and drinks coming outside and they would address those issues.

Vice Chair Joseph stated were would the applicants smoking section be located and what were the limit of guest in the area. She added would he limit people to the smoking area. She added the applicant should come up better plan for his smoking area.

Shaw Amirghassemkhany stated the smoking section would be located in the front between the building and the bus stop. He added it would be 8 ft to 4ft deep. He added they would limit people to the best of their ability.

Commissioner Alan stated each business was unique to the venue and the surrounding neighborhood and those characteristics should be understood and respected. He added the design of the applicant's clean up and level of concern they show for the neighborhood if they start off on the right foot would give him a great advantage when problems would occur.

Commissioner Meko stated what would happen if they implemented all the recommendations and yet sound from their premises was still audible in surrounding residents.

Mr. Shaw stated they would rely on Salter and another company they work with to come up with a plan. He added they would turn the sound down if necessary to address the issues.

Public Comment

Monica Forrestman stated she represented the owner of the building next door where the Tongue and Groove was located. She added they addressed to the previous owners about the noise issues with most of their tenants. She added they had written letters and made phone calls to Ron who was the previous owner and he never came to a solution for them. She added most of their tenants wouldn't renew their least after their one-year was up. She added if something could be done to contain the sound it would be appreciative.

Jeremy Paul stated he was speaking on behalf of the new owners of the building. He added he echoed Commissioner Alan's comments about the uniqueness of each indivdual venue. He added, as the applicant pointed out it was the only live entertainment venue in that part of the city. He added for years the apartments above the venue had not been habitual because of the sound problems and lack of cooperation of the operator of the business to do any sound mediation. He added with the current situation of the housing market in San Francisco if the apartments were not rendered habitual by proper sound measures the club would cease to exist from the actions of the owner on the property. He added he did not think it was right to risk granting a permit to operate prior to sound mitigation measure being in place.

Vice Chair Joseph stated the applicant would not be allowed to operate until the applicant passed their test and until then their permit would be a conditional permit.

Commissioner Alan stated why would the building owner take on another tenant of a live music nature. She added was the owner of the building willing to accept certain financial responsibility for making the retail space appropriate by containing the sound to assist the new tenants?

Jeremy Paul stated there was an existing lease and the lease was being transferred between parties.

Vice Chair Joseph stated, as the building owner who benefits from the residential units as well as the commercial was he willing to upgrade his residential units in some ways to help the commercial tenants perhaps with double pained windows, weather striping or other soundproofing.

Jeremy Paul stated he understood and reasonable accommodations would be made in that regard. He added there was access to the floor above without any interference of residents above the venue. He added it was their intent to get the housing occupied.
Commissioner Joseph stated why was the owner approving the lease transfer if the venue was such a nuisance?

Rema Ludovico stated they were putting double pained windows on both floors. She added there were two 1,800 square ft. flats above the bar. She added they had consent to the assignment of the lease. She added the condition in the original lease did not allow them to consent.

Robert Patrick stated he was the current owner of Tongue and Groove. He added the flats have always been habituated and it was initially commercial when they took over the bar 5 ½ years ago. He added in the last two years the owner's children lived above and they never complained for any noise reasons. He added their first conversation with the landlord they were told they would not renew their lease because they could receive much more value for the space if they were not there. He added the above flats were illegally used for commercial space above and found out they were residential until they went to sale the building.

Public Comment closed.

Commissioner Alan stated the building construction would not lend themselves well to the isolation of base waves the city wants more live music venues there were a multiplicity factors for and against the venue and hoped the new owners were going into with wide eyes and large pocket books so they don't get halfway through it and then can't finish.

Commissioner Lorin moved to
approve Commissioner Alan
second the motion.
VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan, Commissioner Josep and Commissioner Lorin
NOES - None

f) Miles, John, et. al, dba "Mojito" 1337-1339 Grant, Place of Entertainment.

Bob Davis stated the application was submitted on November 3, 2005 for a Place of Entertainment at this small restaurant/entertainment venue in North Beach. The partners in this venture also run the North Beach Jazz Festival and Sunset Promotions, LLC. The applicants completed the Conditional Use Authorization process with the

Planning Commission earlier this year. These conditions are included in the application. Applicants have met extensively with SFPD Central Station and the Telegraph Hill Dwellers throughout this process. He added the application has received approval via the CU process from City Planning. Applicants have met with SFPD Central Station and staff has been assured verbally by permit officer Fred Crisp that the police have no objections to this application. At this time, no written conditions have been received. He added staff recommends conditional grant of this permit.
Robert Cowell stated he and John Miles were the owner's of Mojito's a new restaurant café in North Beach. He added they were applying for a place of entertainment and wanted to continue the tradition of live music at the space that went back over 30 years. He added they wanted to expand on using their experience running North Beach Jazz Festival and promoting over 500 shows and various venues around the City. He added they worked with dozen of club owners in every neighborhood through out the city and had not received a noise violation or complaint or an ABC violations in over 11 years of operations. He added the subjects of times for music were never brought up in the discussions nor did they agree to them had they agreed to them they would be in the conditional use permit. He added sending a letter late at this date they disagreed with what they were doing and asked the Commission to use their best judgment with regard to the times. He added they have shown in their eleven years in business they could do good business and be good neighbors and have complied with all their conditional uses in their two months of operation to date. He added they wanted to bring jazz back to North Beach and would like the Commissions approval.

Public Comment

Officer Fred Crisp stated there was a contention on the applicants desired and what the community and the Captain was asking for which was one hour. He added they could live with until 12:00 midnight through the week but they were asking from 12:00 A.M. until 1:00 A.M. Friday and Saturday nights.

Vice Chair Joseph stated what was the problem with the applicant going until 1:00 A.M. on the weekend.
Officer Crisp stated the problem for the applicants going until 1:00 A.M. on a weekend was the Captain at the request of the community has a meeting on November 3, 2005 and promised them he would do his up most on any and all applications for either liquor license or permits to work with the applicant in the community to come to a possible shrinking of what was going on at Grant Avenue. He added it was intensification from their prior use.

Commissioner Alan stated was he correct in his understanding that it was the policy of the Captain as transfers of ownerships and new applications come forward in North Beach that there be a policy implemented to restrict the hours of those businesses in some way so as to contain resurgence of the neighborhood.

Officer Crisp stated it was not to contain the resurgence. He added it was to look at the situation, as it exists to see what was best for the merchants and the applicants and the residents. He added the Captain made a promise to be fair as possible to the residents and to the venue owners.

Commissioner Lorin asked how many entertainment permits where on those two to three blocks and how long did the bars could go until in the neighborhood.

Officer Crisp stated there were about five venues and they all went until 2:00 A.M. He added Grant and Green had a noise problem.

John Wood stated rights under the law were rights under the law and those rights could not be restricted for no reason because a police Captain made a promise to a business owner. He added it was not his understanding of how it worked and noise issues were problematic but he did not have any noise issues and had to past a sound test. He added the applicants had operated entertainment businesses for a many years and were not completely inexperienced with what they were going into. He added it was unfair that the other places of entertainment on that block were open until 2:00 A.M. when the applicant was asking to go until 1:00 A.M. He added it was not the policy of the Commission to restrict the rights of a business owner that had not committed any problems and he would lobby strongly against it.
Public comment closed

Commissioner Meko stated the permit had already gone through a conditional use process and the land use issues were all settled there were 12 strict conditions that Planning placed on the applicant the commission could not touch. He added he came down on the side of allowing the permit to exercise sound business judgment regarding his property. He added if the applicant did not exercise sound business judgment if he disturbed his neighbors he could not only loose his Place of entertainment permit he could loose his conditional use authorization.

Commissioner Alan stated the Commission was formed for both purpose of granting adjudicating permits and as a policy setting body and as policy setting body they have for the past 2½ years encouraged the respectful expansion of entertainment to the limits of the law and he would have to find that a change of course from the 2 ½ year process would need much more debate than what was being presented. He added he could not support a motion to create a business timetable that could not compete across the board with other owner was no business owners on his block. He added the Commission had always said operate your business, be respectful of your neighbor and keep your noise under control. He added those were the nuisances the Commission could address and would allow the applicant to do that to the fullest extent of the law. He added the minute the Commission began to tinker with the law they became policy makers. He added his motion would be to grant the permit until 2:00 A.M.

Vice Chair Joseph stated if someone opened a business that served only the neighborhood they were destined to fail. She added Mojito would agree to close their business at 12:00 A.M. if everyone in the neighborhood would agree to patronize them everyday and spend money there. She added since that was not going to happen they had a right to have their business and operate and they should not be constrained in a commercial area to only serve the neighborhood.

Commission Pred stated he would make his usual statement at junctures like this when there was accusations being levied against a potential permit holder. He added it was not the Commission's policy nor any other legal policy he was aware of to prosecute someone before they have committed a crime. He added if in fact they were bad businesses owners and did not exercise sound judgment in running a successful business in keeping their neighbors as happy as possible. He added then they could come before to the Commission with a valid complaint. He added until then the Commission was there to meet their mandate of supporting the industry and San Francisco and allowing opportunities to be made.

Commissioner Lorin stated he agreed with the comments that were made. He added if the owners want to close at 12:00 A.M. 1:00 A.M. or 2:00 A.M. it was the owner's choice.

Officer Crisp stated was the time being talked about for the business hours 2:00 A.M.?

Commissioner Lorin stated by law they were entitled to go to 2:00 A.M.

Public Comment
No public comment

Commissioner Alan moved to approve and Commissioner Lorin second the motion.
VOTE:
AYES - Commissioner Meko, Commissioner Pred, Commission Alan, Commissioner Joseph and Commissioner Lorin
NOES - None

Public Comment Reopened Item A

John Wood stated he shared the Commission's frustration with Mr. Hsu and Club Q. and stopped speaking for Mr. Hsu a few months ago because he was dissatisfied with his progress in meeting the requirements of his permits. He added nonetheless Mr. Hsu did not have any noise violation that were documented and sited and procedural he found it to be strange that it was not documented. He added it would give Mr. Rennie an argument at the Board of Appeals.

Public Comment closed.

2. Report from Executive Director on the following

Bob Davis stated there would be a meeting conducted by the Executive Committee to hear public comment about the noise complaints from SBC Mick Jagger Event. Her added he would be getting back to the Commission with the date of the hearing.

3. Report from the Legislative Committee.

Commissioner Alan stated the Legislative Committee would meet on December 16, 2005 at 4:00PM. He added there was nothing to report at this time.

4. Report from the Executive Committee

Commissioner Meko stated he was contacted by a number of people living in the vicinity of SBC Park and they had concerns about the noise issues in the area. He added the hearing would look at broader issues and the question was whether the loudspeaker permits for SBC Park should be approved by staff or come before the full Commission. He added it should be made clear that Entertainment Commission exist to set conditions and grant permits and the Police Departments were the ones who do the enforcement. He added it was it an ideal opportunity to try and understand how the Police Department and the Coission were suppose to operate. He added they would also discuss if the Entertainment Commission's Good Neighbor Policy meant anything.

5. Commissioner Comments and Questions.

Commissioner Alan Happy Holidays and 4:00 A.M.

Vice Chair Joseph stated in having a discussion with the other Commissioners at the Mayor's Holiday Party there were very few places to go for New Years and that was unfortunate.

6. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings.

No items were added.

7. Adjournment.7: 20 P.M.

Respectfully Submitted by Crystal Stewart

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, December 20, 2005 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

SF
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#1
12/20/05

1. Review and approve minutes of October 18, 2005, November 1, 2005 November 15, 2005 and December 6, 2005. **[Action Item]**

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a) **Haynes, Rick, dba "WetSF", 383 Bay Street, Place of Entertainment/Extended Hours Premises.**

   b) **Shiota, Janine, dba "Hotel Vitale/Americano," 8 Mission Street, Loudspeaker Permit, Saturday December 31, 2005 9 P.M. -2 A.M.**

   c) **Bronstein, Greg, dba "Bare Bone Bar," 2348 Market Street, Place of Entertainment.**

   d) **Bruce, Trelawny, dba "The Pendulum," 4146 18th Street, Place of Entertainment.**

3. Resolution authorizing Entertainment Commission Director to Deem One-Night Event Applications for New Year's Eve Events Lasting Past 2:00 A.M. to be Applications for Extended Hours Premises Permits with Condition that Authorization is only for After Hours Events Ending on January 1, 2006; authorizing a Temporary Reduction in the Application Fee for Extended Hours Premises Permits with the 2006 New Year's Eve-only condition to the same level

as applications for permits for One Night Events; and requesting the Confidential Attromey-Client Communication. **[Action Item]**

3. Report from Executive Director on the following: Work progress of Sound Technician **[Discussion]**

4. Report from the Legislative Committee. Terrance Alan, (Chair) **[Discussion]**

5. Report from the Executive Committee. Jim Meko (Chair). **[Discussion]**

6. Commissioner Comments and Questions.

7. Discussion and direction to staff to place items on the agenda for future Entertainment Commission Meetings. **[Action Item]**

8. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room **406** is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

December 20, 2005

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